

<b>Applicant:</b>	Scenic Land Developments Ltd	
<b>Proposal:</b>	OUTLINE - The construction of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks	
<b>Ward:</b>	Bicester South And Ambrosden	
<b>Councillors:</b>	Cllr David Anderson Cllr Dan Sames Cllr Lucinda Wing	
<b>Reason for Referral:</b>	Major Development	
<b>Expiry Date:</b>	31 <sup>st</sup> August 2018	<b>Committee Date:</b> 23 <sup>rd</sup> August 2018
<b>Recommendation:</b>	Approval subject to: 1. Satisfactory completion of a legal agreement; 2. Resolution of OCC's concerns regarding road junctions; 3. Resolution by officers of the appropriate financial contribution, if any, towards strategic transport/highway improvements. 4. Resolution of officers' concerns about impact on biodiversity.	

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

The application is reported to the Planning Committee as it proposes major development.

### **Proposal**

The application seeks outline planning permission (with all matters reserved except for access) for up to 60,000sqm of Class B1(a) and Class B1(b) development together with associated infrastructure and ground works.

### **Consultations**

The following consultees have raised objections to the application:

- Oxfordshire County Council on highways/transport grounds;
- CDC's ecologist due to likelihood of net harm to biodiversity.

### **Planning Policy**

The application site forms part of the allocated Bicester 4 site. The eastern edge of the site is within Flood Zones 2 and 3 though no other planning policy or statutory designations affect the site. The land between the application and Langford Brook to the east is part of the functional floodplain.

The application has also been assessed against the relevant policies in the development plan including, principally, Policy Bicester 4 as well as national planning policy contained in the NPPF and national planning guidance in the PPG together with other material considerations.

## **Conclusion**

The key issues on which this application should be assessed are:

- Principle of Proposed Development;
- Access, Parking and Transport;
- Design, Layout and Landscaping;
- Flood Risk and Drainage;
- Ecology;
- Air Quality;
- Compatibility with Surrounding Uses;
- Renewable Energy and Construction Sustainability;
- Planning Obligation(s).

The report looks into the key planning issues in detail and officers have concluded that the proposals should be granted outline planning permission but only in the event that a number of matters are satisfactorily resolved prior to a decision being issued. The reason for reaching this conclusion is summarised below:

The proposals seek to provide Class B1 development on part of a site allocated for such purposes and so the principle of the proposed development is acceptable. The amount of development proposed is considered to be appropriate given the size and shape of the remainder of the allocated site available for development and officers are content that this quantum of development can be accommodated in such a way as to deliver a high quality, attractive business park.

However, OCC as the LHA objects, on the basis that the proposal would result in a severe impact in the form of likely severe congestion at the A41/Lakeview Drive signalised junction as well as the Oxford Road/Middleton Stoney Road/Kinds End roundabout junction even after the currently proposed mitigation. The proposals are also not currently supported by a commitment to make the financial contributions sought by OCC, in particular the £2.96m towards strategic transport improvements that would help alleviate the cumulative impact of local traffic growth which these proposals would contribute towards. The applicant disputes the requirement of this and has not provided a viability appraisal to support a case that the contribution sought by the LHA is not affordable.

Officers also consider that the current proposals would appear to result in a net loss of habitat value and consequently give rise to harm to wildlife which is also contrary to both local and national planning policy. There is not thought to be a good justification for this impact given the size of the site and the potential for appropriate mitigation an enhancement.

Officers have considered the overall benefits of the proposals against the harm having regard to the development plan and other material considerations and have concluded that the proposal can be supported subject to the outstanding issues being resolved together with the satisfactory completion of a suitable planning obligation.

### **RECOMMENDATION – Approval subject to:**

- 1. Satisfactory completion of a legal agreement;**
- 2. Resolution of OCC's concerns regarding impact on existing road junctions;**
- 3. Resolution by officers of the appropriate financial contribution, if any, towards strategic transport/highway improvements.**
- 4. Resolution of officers' concerns about net impact on biodiversity.**
- 5. Imposition of the conditions listed in section 10 of this report.**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the main report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

- 1.1 The application site relates to 13.1 hectares of predominantly arable land that surrounds the existing Tesco superstore adjacent to the A41 in Bicester. The application site forms the majority of the land strategically allocated as Bicester 4 through the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) for the creation of a new office park. The site is generally flat and features a predominantly open boundary to Lakeview Drive, separated by only a line of newly planted trees planted along the verge. Lakeview Drive is a recently constructed private road that provides access to the wider Bicester 4 site and the new Tesco store. A combination of trees, hedgerows and woodland form the western, southern and eastern boundaries together with a network of drainage ditches. An existing ditch passes through the site from Lakeview Drive and feeds a pond just beyond the southern boundary of the site.
- 1.2 To the east of the site lies Langford Brook and beyond this the sewage treatment works. To the south lies Bicester Avenue garden/retail centre. The land between the eastern boundary of the site and Langford Brook is all within the floodplain. With the exception of that there are no relevant statutory or planning policy constraints/designations affecting the site.

### **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application proposes up to 60,000sqm of Class B1 development to include mostly three and four storey office development (Class B1a) but with potentially up to 15,000sqm of research and development floorspace (Class B1b). The proposed development would be accessed via the existing stubs off the two roundabouts on Lakeview Drive. The application also proposes associated infrastructure, highway works, car parking, landscaping and earthworks. The application is made in outline with only details of access provided. As a result, the Council is restricted to considering the principle of developing the proposed quantum of uses on the site having regard to the parameters set out in the application's supporting documents together with the means of access to the development. The application has been accompanied by an Environmental Statement (ES) and therefore the proposals are for EIA development. The ES is provided to enable adequate assessment of the likely significant environmental effects of the proposed development (both individually and cumulatively) and to set out how these could be mitigated where possible so that the residual impacts are properly understood. The Council must have regard to the ES in making its decision.

### **3. RELEVANT PLANNING HISTORY**

- 3.1 The following planning history is considered relevant to these proposals:

07/01106/OUT - Outline - Construction of a 60000 sqm business park incorporating offices (B1) and hotel (C1), parking for up to 1837 cars, associated highway, infrastructure and earthworks (as amplified by additional information received 15.08.07, addendum to the Flood Risk Assessment received 07.09.07, additional information received 18.10.07 and Archaeological Trench Evaluation received 04.12.07). Permitted 26.10.2010

12/01193/F - Proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works. Permitted 12.11.2013

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1 No formal pre-application discussions have taken place with regard to this proposal though the Council has adopted an EIA scoping opinion relating to the proposed development setting out those aspects of the environment that it considered needed to be addressed within the ES.

#### **5. RESPONSE TO PUBLICITY**

- 5.1 This EIA 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 application has been subject to a second round of public consultation given that updates and amendments to the proposals together with the supporting assessments (including the ES) were submitted in early July.

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

Langford Village Community Association - The Langford Village Community Association broadly welcomes this proposal and therefore in principal supports the Outline Planning Application.

However there are some points we wish to make regarding comments made in the supporting documentation. Briefly the proposal would create 3,307 to 4,300 jobs depending on whether some Research and Development facilities were included in the development. The proposed design would allow for up to 2000 car parking spaces.

Once the development has been completed, it is this potential additional traffic which gives rise for concern. This combined with current developments (such as Graven Hill or Kingsmere) or future developments (such as the new Retail Park and Wretchwick Green) will further exacerbate traffic congestion. This congestion already manifests itself when visitor demand to Bicester Village is high. Following the implementation of the two new roundabouts at the A41 and Bicester Village junctions, peak hour traffic still creates long tailbacks when accessing these two junctions which will increase as Bicester grows. So we would take issue with the wording in the Non-Technical Statement which states that 'The Proposed Development is likely to result in a negligible residual effect on the highway network local to the site'. Once constructed, the new development will add to the cumulative effect of generated traffic along this section of the road network, making traffic congestion worse. We also read that there are proposals for three drive thru's at the Esso Garage site, and one opposite by Tesco's which again will add pressure to the new hamburger roundabout. This will also cause a commensurate decrease in Air Quality also referred to in the ES Non-Technical Summary. Whilst we recognise that 'Measures

to reduce pollutant emissions from road traffic are principally being delivered in the longer term by the introduction (by government) of more stringent emissions standards' there will be a direct link between traffic congestion and worsening air quality.

- 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.

**Bicester Town Council** – Supports the proposals.

**Wendlebury Parish Council** – Raises the following concerns:

The provision for a further 2000 car parking spaces will add greatly to the number of cars using the A41. Many of these vehicles passing the Lakeview section will, therefore, be passing the Wendlebury section of the A41, albeit much faster with fewer breaks in the traffic to allow pedestrians to cross the road in order that they are able to use the bus stops safely. No highway improvements have been considered in recent years to promote the use of public transport within the village of Wendlebury to enable the villagers to access the bus service. It is easy to get on a bus to Oxford, but it is not easy to come back as passengers have to cross the A41 when they get off again. It is also not possible for many people to get to Bicester because they cannot cross the road. The developers of Bicester 4 should be asked through a formal section 106 agreement to fund the necessary Highway improvements to enable safe crossing of the A41 by Wendlebury residents. This access issue needs addressing as a matter of urgency and any further development in the area needs to take account of reducing the isolation of this village.

All traffic from the development should be encouraged to use the main roads and the narrow Wendlebury Road should only be available for local traffic; this must be included in any transport plan to protect the village of Wendlebury from rat-running. The developers EIA statement refers to a travel plan in concept. It is therefore critical that the OCC Highways Authority make use of their powers to establish a section 278 Agreement and planning condition to ensure that this Travel plan that is both robust and enforceable. The Parish Council takes the view with the further development also planned for Bicester 10, the cumulative effect from the increase in traffic from urbanisation of Bicester on the countryside will have a detrimental effect on the rural character of Wendlebury Road and the access to the village of Wendlebury.

**Cherwell District Council (Internal Consultees)**

Landscape Architect

There are no public footpath links between the Bicester Avenue retail park and the proposed development. To be able to walk from the business park to the retail site without recourse to a vehicle is advantageous in terms of health and environmental sustainability etc.

A BS 5837 tree survey is required to ascertain the value of the retained structural vegetation (trees and hedgerows, and the associated root protection zones. This information will inform the design process and influence the layout of the development. In this regard I am concerned about retaining and supporting the site's line of establishing oak trees on the access road to Tesco supermarket; the

hedgerow of the site frontage to the A 41 to be retained and left at its mature height where it exists, and allowed to grow up where it has been cut back (hedgerow reinforcement planting will be required). The existing trees on this boundary should be retained where possible. There is a benefit to road users and site users/visitors (amenity and habitat value) if this hedgerow is retained, protected and enhanced. I am particularly concerned that the Masterplan does not indicate this hedgerow, however the Landscape Strategy in the revised Design and Access Statement states that:

(ii) To retain and protect key mature trees and boundary vegetation on boundaries of the site to maintain visual amenity and landscape character.

This is reassuring, but evidence of retention of the roadside hedgerow is required in the amended masterplan.

With such a potentially diverse landscape it is important that it is established and managed in the appropriate manner. A landscape and maintenance management plan is therefore required.

### Environmental Protection

#### Noise:

Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Details of any plant including noise levels that will be installed on each building should be provided in writing as part of any application for those site. Depending on the levels a noise report may be required.

#### Contaminated Land:

Due to the size and nature of the development the full contaminated land conditions should be applied.

#### Air Quality:

Prior to the commencement of the development hereby permitted, measures to encourage the uptake of low emission transport, shall be 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 measures are in place which support the uptake of low emission technologies now and in the future.

#### Odour:

The development is likely to be affected by odour from the nearby sewage works. I would advise that a full odour report is produced to assess the potential for odour and that any mitigation required to protect the amenity of the future users is installed and in use prior to the first use. This report should be agreed with the LPA and Thames Water.

Light: Full details of external lighting should be supplied to and approved by the LPA prior to the first use.

### Ecologist

Significant concerns have been raised about the potential for net harm to biodiversity due to the amount of habitat lost and the relative lack of scope for new appropriate habitat to be created within the site. Concern has been raised about the loss of the existing ditch within the site that the ES recognises as a high biodiversity value. Whilst the BIA metric identifies land outside the application site that could be used for mitigation and enhancement, the proposals for an orchard do not appear to have been derived from a consideration of the growing conditions, the specific local flora and fauna or the landscape character but rather to achieve an arbitrary net gain figure in the BIA. No reptile or nesting bird surveys have been undertaken despite earlier requests for them to be carried out. f

#### Arboriculture

No concerns about the landscape masterplan but the actual detailed submissions should ensure that final landscape design should be compatible with the local surroundings and with tree stock that are suitable for their location.

#### **Oxfordshire County Council**

See the consultation response attached as Appendix 1 to this report.

#### **Other External Consultees**

Natural England – No objections on the basis of impact on statutory nature conservation sites. The Council should make its own assessment in relation to local wildlife sites and protected/priority species and habitats.

Environment Agency – No objection provided development is prevented from taking place within Flood Zone 3b as shown in the applicant's Flood Risk Assessment. Conditions are recommended requiring the development to be carried out in accordance with the Flood Risk Assessment.

Thames Water – No objection with respect to foul drainage. However there is insufficient water supply to meet the additional demands of the development. An appropriately worded condition should be imposed preventing development until impact studies have been undertaken by the developer to understand the new capacity required in the system as well as a suitable connection point.

## **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 (CLPP1)**

- Bicester 4 - Bicester Business Park
- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections
- 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 (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 - Green Infrastructure
- INF1 - Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 - Layout, design and external appearance of new development
- ENV1 - Incompatible development
- ENV12 - Contaminated land

#### 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD (February 2018)

### **8. APPRAISAL**

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

- Principle of Proposed Development;
- Access, Parking and Transport;
- Design, Layout and Landscaping;
- Flood Risk and Drainage;
- Ecology;
- Air Quality;
- Compatibility with Surrounding Uses;
- Renewable Energy and Construction Sustainability;
- Planning Obligation(s).

#### Principle of Proposed Development

8.2 The application site corresponds to about 50% of the land allocated through Policy Bicester 4 of the CLPP1 for a new business park. This policy provides for the creation of Class B1(a) development (i.e. offices) on the site to generate approximately 6000 jobs. As part of an outline planning application, the principle of achieving the quantum and type of development proposed on the site must be considered and the Council must be satisfied that what is proposed can be properly accommodated on the site having regard to relevant local and national planning policy. Whilst the application proposes a combination of Use Classes B1(a) and B1(b) which differs from the Class B1(a) only provided for within the allocation policy, officers are satisfied that this is appropriate given that the Class B1(b) floorspace would be restricted to a minor component of the overall mix and the flexibility would assist with the marketability of the development. Moreover, research and development type uses that fall within Class B1(b) are still relatively efficient employment generators that would be functionally compatible with the main office

element and may help Bicester to 'tap into' the knowledge economy given the close proximity to Oxford together with the similar aspirations for the nearby allocated Bicester 10 site.

8.3 The majority of the remaining land within the allocation has been permitted and developed for alternative purposes (i.e. the Tesco superstore and Bicester Village surface water attenuation) in full knowledge of the fact that it would reduce the developable land available to accommodate offices on Bicester 4. Other land outside the application site but within the allocation is subject to significant flood risk constraints that preclude anything other than water compatible uses. The applicant has chosen not to include land within the application site that is subject to flooding despite it being covered by the requirements of the allocation policy. The implications of this will be discussed later in this report.

8.4 As a result, the 60,000sqm of Class B1 development proposed is expected to generate somewhere between 2600 and 4000 jobs dependent on the nature of the future occupants and the extent of Class B1(b) development which typically employs fewer people per square metre. This is clearly some way short of the job numbers expected within Policy Bicester 4 though the ability to achieve the 6000 figure specified in the policy has been compromised by the Tesco and Bicester Village developments on the site as well as the extent of the floodplain. Nevertheless, officers have considered whether there is the potential to make more efficient use of the available land within the application site to accommodate more office floorspace and therefore the predicted employment generation. Officers have noted the significant levels of car parking shown in the indicative masterplan and the generous amenity areas which do suggest that there is some potential for increased building footprints on the site. Furthermore, given the relatively limited landscape sensitivity of the site and the lack of a strongly legible architectural form and scale to surrounding buildings it may well be suitable for some of the buildings to feature additional floors thus potentially increasing employment numbers on the site. However, officers have concluded that whilst the site may be able to develop more efficiently and still be compliant with the requirements of Policy Bicester 4, that is not the same as saying that the proposals are failing to make efficient use of land in the way required by Policy BSC2 of the CLPP1 or recent changes to national planning policy in the NPPF. For this reason officers are satisfied that the proposals in themselves are making a sufficient attempt at achieving the overall objectives for Bicester 4 with respect to the type and quantum of development proposed such that they are considered to be compliant with Policy Bicester 4. As a result, the principle of the proposed development is considered to be acceptable.

#### Access, Parking and Transport

8.5 Policy Bicester 4 requires the provision of safe pedestrian access to the site including facilitating the crossing of the A41 to the north and west as well as the provision of upgraded footpaths and cycleways that link to existing networks to improve connectivity generally. Policy SLE4 of the CLPP1 is broadly reflective of national policy in the NPPF by encouraging maximisation of sustainable modes of travel and resisting development that would have a severe adverse impact on the local road network. National planning policy in the NPPF has recently been updated and there have been minor but potentially relevant changes to its transport policies and is a material consideration. National planning policy requires assessment as to whether there is safe and suitable access for all to a new development, promotion of sustainable transport modes and the mitigation of any significant impacts from the development on the transport network both in terms of capacity and congestion. Any residual cumulative impacts would need to be severe to refuse planning permission in common with the requirements of Policy SLE4. It is within this local and national planning policy context that the proposals need to be considered with respect to the suitability of access to the development and the transport impacts.

- 8.6 Turning first to access, it is worth remembering that the application does not reserve access for later consideration as part of reserved matters. The means of access to the proposed development are therefore to be considered as part of this application. In terms of vehicular access, there are two access points proposed and these are to be taken off existing roundabouts along Lakeview Drive. This road was constructed as part of the development of the Tesco store and there are existing stubs on the roundabouts that new roads into the development can connect off. Oxfordshire County Council (OCC) as the local highway authority has not raised any concerns about the suitability of these two access points and, given that Lakeview Drive and its associated roundabouts were designed to accommodate a larger development than just the Tesco store in any event, there is no reason to be concerned about the specific means of vehicular access proposed to the development. With respect to pedestrian access, there are existing footways into the Bicester 4 site that would be extended along the new access roads into the development. There is also a proposal to provide a pedestrian link to the boundary with the adjacent Bicester Avenue garden/retail centre as required through Policy Bicester 4 though no details are provided of this. There is also an indicative proposal for an additional pedestrian link from the site to the A41 to enable improved access to the new bus stop being provided adjacent to the site within the verge of the southbound carriageway. In the absence of detailed proposals of these, officers recommend that in the event that planning permission is granted there should be a condition imposed seeking the provision of these connections and further details of them. In order to promote access by cycle, widening of the footway/cycleway to 3m along the eastern carriageway of the A41 through to Pioneer Way is proposed so that there is suitable connectivity with new dwellings on the Kingsmere development as well as linkages with the wider town. These works would need to be secured by a planning obligation as part of granting planning permission. Consequently, and having regard to the above, officers are content that the means of access for all users to the proposed development would be appropriate.
- 8.7 Turning next to sustainable travel, it is necessary for development proposals to demonstrate how they have maximised the potential for people to travel to the site by modes other than the private car. The site is within a reasonable walking and cycling distance of a relatively large population base. The site is also in relatively close proximity to Bicester railway station and there is a regular bus service along the A41 such that there are already good opportunities available to make use of alternative modes of travel. Some of the office buildings within the site would however be a longer walk from the railway station and nearest bus stops than OCC typically consider appropriate in order to act as a genuinely attractive alternative to car travel. In order to properly encourage and maximise the opportunities available for use of public transport, OCC consider it necessary for financial contributions to be sought via planning obligations towards improving both bus and rail services (£375,000 and £670,532 respectively) as well as the provision of a bus stop facility within the site. The bus contributions would be towards covering the cost of diverting a number of existing services into the site at regular intervals in the peak morning and evening hours so that there are shorter walking distances for employees/visitors to the new offices and would remove the need for pedestrians to cross the A41. The contributions towards rail improvements would be to help fund East-West Rail Phase 2 in order to improve connections between Bicester, Milton Keynes and Bedford. Similar contributions were secured through a legal agreement as part of granting consent for the previous employment scheme on the site back in 2010.
- 8.8 The applicant rejects the assertion that these contributions are necessary or reasonable and claims that they would prejudice the viability of the development. Your officers share the applicant's concern regarding the necessity for a contribution to be made towards rail improvements. There is no reference to this in Policy

Bicester 4 and there is already a regular rail service to Bicester from nearby towns/cities to enable future staff of these offices that live outside Bicester to have a genuine option of travelling to the development by train. Officers are therefore not minded to pursue a contribution towards this through a planning obligation. At the time of writing this report officers have not reached a conclusion on the merits of seeking to secure a contribution towards enhancing existing bus services though it is noted that Policy Bicester 4 requires good accessibility to public transport services and the accommodation of new bus stops to link the development to the wider town. Accordingly, a contribution is sought from the development by OCC. However, the applicant has pointed out that bus stops would be provided within the verges of the A41 in close proximity to the site which would serve the development and so officers need to establish the circumstances with respect to the availability of a convenient pedestrian crossing of the A41 as part of the Bicester Gateway Retail development to enable access to the bus stop along the northbound carriageway of the A41. Without this it would dissuade travel by bus. Further consideration needs to be given as to whether the proposals would appropriately promote sustainable travel to the development without this contribution and whether it is indeed necessary and viable (either through the amount sought or a lesser sum).

- 8.9 Notwithstanding whether the proposals maximise opportunities for sustainable modes of travel, a significant proportion of the trips to and from the development would be by motor vehicle. A Transport Assessment (TA) has been submitted as part of the planning application and, inter alia, it projects the likely traffic implications of the proposals. The TA has modelled how the projected trip generation would affect traffic flows within the local highway network and at key local junctions. OCC considers the approach to this and the modelling within the TA to be robust. However, this is where the applicant and OCC diverge in their assessment of the impacts of the proposals on the road network. Their disagreement principally stems from the different conclusions on what constitutes the practical capacity of a junction. OCC do not accept that junctions can operate to 100% capacity in practice and that severe congestion would occur before this threshold is reached. Third party expert advice has been sought on this point to help officers further understand the potential impacts and implications and this will be reported to the Committee.
- 8.10 Within the submitted TA, the applicant accepts that congestion and capacity at two junctions would be severely adversely affected by the proposals – these are the A41/Lakeview Drive access into the Bicester 4 together with the mini-roundabout at Oxford Road/Kings End/Middleton Stoney Road. The application proposes direct highway mitigation schemes for these junctions that in the applicant's view would bring the effect on these junctions below the severe threshold. OCC disagree and find that even after the proposed mitigation works the two junctions would be operating above their practical capacity in the peak hours and to a materially worse degree than at present. Additional independent expert advice has been sought on this point and will be reported to the Committee but clearly officers have concerns in this regard given that OCC has raised such a clear objection. If the local planning authority's conclusion were to be that significant highway impacts would arise from the development, and that those significant impacts would not be acceptably mitigated, this would be contrary to national planning policy contained in the NPPF as well as the requirements of Policy SLE4 of the CLPP1. OCC's concern is that the arrangements proposed could see substantial queueing on a number of approach lanes to the aforementioned junctions which not only causes driver delay but increases the risk of drivers performing dangerous manoeuvres in order to pull out of junctions amongst the traffic. Queues along Lakeview Drive for example are projected to reach 42 cars in length during peak times which would back them up some considerable distance past the roundabout that provides access to the Tesco site. This would prevent efficient egress from the Tesco site which could in turn lead

to difficulties entering the site and potentially lead to traffic attempting to enter the Bicester 4 site backing up to the A41 junction.

- 8.11 Officers recognise however that the site is allocated for office development and the proposals are in line with the purposes for which the site is allocated such that they are of strategic importance to the sustainable development of the District. Officers have no reason to believe that acceptable and safe solutions are not reasonably available. However, in the event that officers and Members support OCC's position with respect to the proposals, this requires a commitment from the applicant to revise their approach to considering the capacity thresholds of junctions and would also require them to undertake further traffic modelling. This would take time and the applicant would inevitably incur some additional costs associated with designing and constructing more significant highway mitigation works. However, officers are very much of the view that if severe impacts at these junctions are to occur then this would be essential. Officers' concern is that if planning permission were to be granted without appropriate and safe highway mitigation in place (in the knowledge that these proposals would cause severe capacity and congestion issues on this section of the A41), it could set a difficult precedent for the Council and may make it harder to resist other development proposals in the future where these also give rise to similar issues for the local highway network.
- 8.12 Policy Bicester 4 requires contributions towards improvements to the surrounding local and strategic road networks. To this end, OCC claim that even with acceptable direct highway mitigation schemes for the junctions significantly adversely affected by the proposals, the proposed development would materially contribute towards an overall increase in traffic on surrounding roads. OCC is of the view that these proposals, cumulatively with other committed development in the Local Plan through to 2031, would result in severe congestion on local roads that require strategic intervention rather than small individual schemes associated with each development proposal. OCC is therefore recommending that a financial contribution is sought towards the cost of constructing the South East Perimeter Road (SEPR) that is an identified highway project with their Local Transport Plan 2015-2031. OCC has secured financial contributions towards this from other employment developments over the past couple of years and is seeking to follow the same approach albeit utilising the new formula set out in the Council's adopted Developer Contributions SPD. OCC is therefore seeking a contribution of circa £2.96m from this development via a planning obligation.
- 8.13 The applicant does not consider financial contributions to the SEPR or any other transport improvements to be justified in planning policy terms or against the legal tests for planning obligations of necessity, relevance and proportionality. The applicant also contends that the sum sought by OCC would make the development financially unviable. No evidence has been provided for this however. The applicant's response to OCC's representation is attached as Appendix 2 to this report.
- 8.14 OCC's consultation response on the planning application was received only a few of days prior to the deadline for the writing of reports. As such, officers have had little time to consider the merits of OCC's position and the legitimacy of its request for contributions in this respect. Officers continue to engage with the applicant, and have sought further expert highways advice with the hope that officers can reach a final conclusion on the highway issues in time for the Committee meeting. However, what is clear at present is that the Council is being advised by OCC that the proposals would result in severe traffic capacity and congestion issues at existing A41 junctions and that there is also no commitment to make a financial contribution towards strategic level highway mitigation which might only compound matters. Officers are also cognisant of the potential implications of not seeking strategic

highway contributions from these proposals which could set a precedent for dealing with other similar development proposals in the future and Members should also bear this in mind. It could also see pressure from other developers looking to have their existing planning obligations removed where these require financial contributions towards the SEPR as part of recently granted planning permissions.

8.15 As matters stand, officers have concerns about the implications of the proposals on the local road network such that the proposals would appear to conflict with relevant local and national planning policy in this respect. Officers therefore cannot recommend the application for approval until such a time as OCC's concerns with regards to the impact on existing junctions are resolved unless the independent transport consultants conclude otherwise. Officers also recommend that no planning permission be granted until financial contributions have been secured towards strategic highways/transport schemes as per OCC's latest position but only to the extent that officers find such contributions are well founded in planning policy and do not prevent the development from proceeding due to unviability.

8.16 In conclusion, officers are satisfied the proposed means of access to the development are appropriate but need to explore further whether the proposals are maximising the opportunities for sustainable modes of travel. In addition, and as things stand, officers have significant concerns about the likely impact of the development on the local highway network. Negotiations continue, and additional expert advice has been sought to assist officers in considering the concerns that have been raised by OCC. It should be noted at this point that, while important, the LHA is a consultee and as such does not have powers to direct the planning authority to refuse planning permission. It is the planning authority's responsibility to decide, on balance and taking into account the development plan and other material considerations including viability, whether planning permission should be granted or not.

#### Design, Layout and Landscaping

8.17 Policy Bicester 4 seeks the creation of high quality and distinctive commercial development that provides a strong gateway into the town. It also requires a layout that enables a high degree of integration and connectivity between new and existing development. It also requires structured open spaces and planting that provide a strong landscape setting and support SuDS. Policy ESD15 of the CLPP1 is also material and requires new development to be of a form, scale and appearance that respects its context.

8.18 It is necessary to remember that the application is made in outline and so no detailed plans and drawings have been provided. An indicative masterplan has been submitted to help demonstrate how the proposed development could be accommodated on the site. This is only an example however and does not commit the final development to this approach. A design and access statement has also been submitted which sets out the key overarching principles underpinning how development on the site would take place. A parameters plan has also been submitted though this is definitive given that the ES has been prepared on this basis. It sets out several zones to development on the site and the maximum heights of buildings within those zones. A landscape and visual impact assessment of the proposed development has been undertaken and officers are satisfied that the scale of buildings proposed would be entirely appropriate to the context given the variety of surrounding buildings and land uses together with the lack of sensitivity of the immediate landscape character.

8.19 Officers welcome the proposal to create a landscaped central corridor within the site that would provide for the majority of the surface water attenuation required from the development under Policy ESD7 of the CLPP1. This green infrastructure is within a

prominent and usable part of the site and would help to establish a core character and legibility to the design approach to the business park. This area would also provide an amenity for employees and visitors to the site and is therefore multi-functional.

- 8.20 Officers have carefully considered the quantum of development proposed and found that there is no reason to conclude that 60,000sqm of floorspace together with reasonable levels of associated parking and other infrastructure could not be comfortably accommodated on the site. In this regard the scale of buildings is considered to be visually appropriate and there should be no need for removal of any significant existing landscape features as confirmed within the design and access statement as well as other supporting assessments such that the proposed development is able to respond to the site's landscape constraints. The applicant has also provided sufficient evidence that there is space within the site to incorporate an appropriate surface water drainage scheme. Officers do however have some concerns about the approach proposed in the indicative masterplan and are not convinced that the buildings shown to address the A41 are done so in a sufficiently coherent manner. Officers also have some concerns that there are large areas of car parking that might be better to be broken up and provided with an improved landscape treatment. Officers also have concerns that the public view from Lakeview Drive may be a little too dominated by car parking to each side if the site was developed in the manner shown in the indicative masterplan. Nevertheless, whilst there are concerns about aspects of the approach shown in the indicative masterplan it is necessary to remember that it is provided only for illustrative purposes and is not part of the scheme that would be approved. It does however give officers sufficient confidence that there is a scheme available that would enable 60,000sqm of Class B1(a) and B1(b) floorspace to be provided on the site in a way that is consistent with the design based objectives and requirements of Policy Bicester 4.
- 8.21 Policy Bicester 4 applies to the whole of the site as allocated, not just those parts of the site brought forward for development as part of planning applications. The application site does not cover the entirety of the allocated site and, even discounting those areas developed for the Tesco store and Bicester Village drainage, there are several hectares of land controlled by the applicant between the eastern site boundary and Langford Brook. Policy Bicester 4 requires structural planting and landscape proposals across the site to provide for the enhancement of wildlife corridors and to limit the visual impact of development. Those parts of the allocated site that are outside the application site have been found to be within the functional floodplain and so are not of commercial benefit to the applicant. As a result, no development is proposed on it. However, to leave it outside the scope of the planning application would fail to take the opportunity for enhancement as required by Policy Bicester 4. The land in question is within the applicant's control and there is the scope to use appropriately worded planning conditions and planning obligations to require the submission, approval and implementation of a landscape scheme on this land both in order to improve the quality and character of the landscape as well as to take the opportunities available to deliver wildlife enhancements. Such a condition and planning obligation is recommended to be secured in the event that planning permission is granted.
- 8.22 In short, officers are satisfied that the quantum of development proposed in the way shown in the submitted parameters plan can be accommodated on the site as part of detailed reserved matters proposals in a manner that accords with the requirements within Policy Bicester 4 to deliver a high quality gateway development that respects its context.

#### Flood Risk and Drainage

- 8.23 Policy Bicester 4 acknowledges that part of the site is at high risk of fluvial flooding but requires a sequential approach to be followed so that development is provided within the lower risk flood zones first before considering higher risk zones. This is consistent with national planning policy requirements in the NPPF as well as requirements within Policy ESD6 of the CLPP1. The majority of the application site and therefore the proposed development is located within flood zone 1 and so at low risk of river flooding. Parts of the application site closest to the eastern boundary are however in flood zone 2 and 3. Officers are entirely satisfied that there is no feasible way in which to achieve a reasonable quantum of employment development on the site and thus get close to achieving the job creation objectives of Policy Bicester 4 without development taking place in these higher risk flood zones.
- 8.24 Office development is defined as a 'less vulnerable' use in the flood risk classification table set out in national planning guidance and is not considered to be, in principle, an inappropriate type of development in flood zones 2 and 3 where the sequential approach has been followed. In order to comply with both local and national planning policy, development in such flood zones must however be safe to use for the lifetime of the development and not increase the risk of flooding elsewhere. A Flood Risk Assessment (FRA) has been submitted alongside the planning application and the Environment Agency (EA) is satisfied that it is robust and sets out appropriate measures to ensure that the development is acceptable with respect to flood risk: namely that no operational development takes place within flood zone 3b (the functional floodplain) and that all finished floor levels of buildings are to be set above the projected 1 in 100 year flood event level. Officers are satisfied that the sequential approach has been followed and that the majority of development has been provided in flood zone 1 where possible and so have no reason to disagree with the assessment made by the EA. Officers have therefore concluded that the proposals are acceptable with respect to flood risk subject to a condition requiring the development to be carried out in accordance with the recommendations set out in the FRA.
- 8.25 Policies Bicester 4 and ESD7 of the CLPP1 require a sustainable drainage system (SuDS) to be incorporated into the development. These policies reflect national planning policy in the NPPF with respect to major development proposals. The application is in outline and so detailed landscaping proposals are not provided to demonstrate an actual SuDS scheme. However a drainage strategy has been provided based on ground/soil testing for infiltration potential and calculations to determine the existing surface water discharge rates from the site on which a SuDS scheme must be based so that there is no increased rainwater run-off resulting from the development. OCC's drainage engineers have reviewed the drainage strategy for the proposed development and concluded that there is scope within the site to achieve a suitable SuDS scheme. Conditions are therefore recommended if planning permission is to be granted which require the submission, approval and implementation of a full surface water drainage scheme for the site based on the submitted drainage strategy.
- 8.26 In conclusion, having regard to Policies ESD6, ESD7 and Bicester 4 of the CLPP1 as well as national planning policy and guidance, officers are content that the proposed development would not be unduly at risk of flooding, that the proposals would not increase flood risk elsewhere, and that there is scope as part of reserved matters to produce an appropriate SuDS scheme to ensure that surface water discharge is sufficiently managed on the site and does not increase risk of flash flooding in a storm event.

#### Ecology

- 8.27 Policy ESD10 of the CLPP1 requires the protection and enhancement of biodiversity and the seeking of net gains for biodiversity a part of new development. It also

requires relevant habitat and species surveys to be carried out in support of planning applications where a proposal may affect a site that provides a habitat for protected or priority species. Policy Bicester 4 requires biodiversity to be preserved and enhanced on the site as well as landscape proposals to provide for creating and enhancing wildlife corridors. The Council also has a statutory duty under the Natural Environment and Rural Communities Act 2006 to have appropriate regard to the purposes of conserving biodiversity in carrying out its functions.

- 8.28 A number of species surveys have been undertaken in support of the planning application. The applicant has also carried out a Biodiversity Impact Assessment, a metric used to help determine the potential for net gain or loss of biodiversity overall through changes in habitat on the site.
- 8.29 Officers have a number of concerns about the proposals and their potential implications for wildlife. First, the applicant has not submitted a reptile survey or breeding birds survey as requested by the Council's ecologist. These are protected from various activities under UK law and many native reptiles are listed as priority species as defined within the NPPF. A number of assumptions are made about their potential in the ecological appraisal supporting the planning application but mitigation cannot be considered appropriate until a robust understanding of their potential on the site is available.
- 8.30 The applicant recognises that the proposals would result in the loss of arable land and so would have an impact on the habitat of farmland birds, specifically skylarks. An area of land outside the application site (but on land controlled by the applicant) is proposed as a meadow for skylarks so that this adverse impact is mitigated. However, this land is also proposed for mitigation of impacts on reptiles and amphibians as well as for creating new orchard habitat. Officers are concerned that it may not be able to perform all of these functions sufficiently well in order to mitigate the adverse impacts of the proposed development. The applicant's BIA indicates that land outside of the application site to the east (but controlled by the applicant) is almost certainly needed for habitat creation/enhancement to ensure that there is a net gain for biodiversity as part of the development as required by Policies ESD10 and Bicester 4. However, the Council's ecologist is concerned that the orchard habitat proposed to be created as part of efforts to deliver a net gain is not suitable within the floodplain as fruit trees do not tend to grow well in wet conditions. Even with the successful creation of the orchard it is expected by the applicant's ecologist consultants that there would still only be an exceptionally marginal score of +1. Any reduction in the target conditions of the orchard or other retained/new habitat would make this figure negative within the BIA metric.
- 8.31 The proposals also appear to include the loss of a long ditch as well as a pond, both of which typically make strong contributions to biodiversity and should be mitigated. It is not clear that this is the case within the proposals.
- 8.32 In short, officers have concerns that the proposals would lead to a net decline in biodiversity and that the scheme has therefore not demonstrated that it would deliver the protection and enhancement for biodiversity required by Policy Bicester 4 and ESD10 of the CLPP1. There is no good reason for this to be the case given the area of land available on the site and within the applicant's control in which to provide new habitat and retain existing important habitat. Officers are therefore recommending that the application is resolved to be approved but to delegate to officers to seek resolution of the aforementioned ecological concerns and determine whether the proposals would give rise to net biodiversity gain as required by Policy Bicester 4 as well as avoid/mitigate harm to protected/priority species specifically. Where harm is found to occur despite amendments to the scheme, officers would propose to return the application to Planning Committee so that the proposals can

be reconsidered in the full knowledge of these implications. Notwithstanding this it is within the gift of the Planning Committee to weigh this policy conflict as part of the overall planning balance, when reaching its resolution.

#### Air Quality

- 8.33 The NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas (AQMAs) and the cumulative impacts from individual sites in local areas. The NPPF further adds that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. The NPPF goes on to state that planning decisions should ensure that any new development in AQMAs is consistent with the local air quality action plan.
- 8.34 The applicant's ES contains an assessment of the likely air quality implications of the proposed development and the Council's Environmental Protection officers consider this assessment to be reasonable. There is an AQMA (Cherwell No. 4) designated along Queens Avenue which stems from the levels of nitrogen dioxide emitted by motor vehicles along this busy road. The proposals however would be unlikely to significantly increase traffic within the AQMA given the good alternatives to use of the private car, the projected main travel routes of motor vehicles to and from the site avoiding Queens Avenue together with the lack of regular heavy goods vehicles movements associated with office development. As mentioned previously, the proposals also commit to upgrades to the footway/cycleway network as well as the creation of a new bus stop within the verge of the A41 carriageway to ensure alternative modes of travel are encouraged. A condition is also recommended to ensure that electric vehicle charging points are included within the development in accordance with new national planning policy in the NPPF. Taken together officers are satisfied that, once operational, the development would not conflict with the Council's air quality action plan for the AQMA or lead to exceedances of national air pollutant limits or objectives elsewhere.
- 8.35 There is the potential for adverse air quality impacts during the construction stage of the proposed development and these too have been assessed by the applicant in the ES. Officers concur with the conclusions in the ES and recommend that if planning permission is to be granted a condition should be imposed requiring the submission, approval and implementation of a construction management plan that would control construction vehicle routing as well as dust creation on the site. Such a condition should ensure that there is no risk of the objectives for the AQMA being compromised during the construction stage of the development.

#### Compatibility with Surrounding Uses

- 8.36 Policy ENV1 of the CLP 1996 requires new development to be appropriate to its location such that it would not have the potential to significantly prejudice the operations of existing businesses or land uses as a result of either causing environmental nuisance or being unduly sensitive to nearby existing operations that do give rise to environmental effects such as noise, odour, vibration etc. The NPPF makes similar statements in paragraph 182. Policy Bicester 4 recognises the operational characteristics of the nearby sewage treatment works on the opposite side of Langford Brook and the potential for poor quality amenity for occupants of the new office development. Thames Water has set out its concerns about the proposed development and the potential for odour which they are keen to ensure does not give rise to complaints about their existing operations.
- 8.37 It does need to be recognised however that the site is allocated for office development and so the principle of providing offices on the site is established. If

there was a concern about suitability of the site to accommodate the proposed development then this needed to be established at the plan making stage, not now. In any event, given that offices are proposed and these are places of work as opposed to places to live, the occupants are significantly less sensitive to nuisance as it only potentially affects people during working hours rather than at their own homes. Nevertheless, officers recognise the concerns of Thames Water together with the wording in Policy Bicester 4 and therefore recommend that if planning permission is to be granted then a condition should be imposed requiring the submission of an odour report along with each reserved matters application to ensure that where measures are needed to help reduce sensitivity to odour then these are incorporated into the detailed scheme. Subject to this condition, and recognising the compatibility of office development with the other surrounding commercial uses, officers are satisfied that the proposed development is appropriate to the site and would not be likely to prejudice any existing operations in the nearby area in accordance with the requirements of Policy Bicester 4 of the CLPP1 and Policy ENV1 of the CLP 1996.

#### Renewable Energy and Sustainably Construction

- 8.38 Together Policies ESD1-ESD5 of the CLPP1 require new major development to be energy efficient, incorporate sustainable construction measures and utilise renewable energy. Policy Bicester 4 also requires proposals on the site to demonstrate accordance with these policies. Whilst the application is made in outline and so there are no detailed proposals for buildings or other development, an overarching energy strategy for the proposed development has been submitted as part of an addendum to the Environmental Statement.
- 8.39 Officers are satisfied that the commitment in the submitted energy statement is appropriate to deliver significant levels of on-site renewable energy through the use of solar panels and air/ground source heat pumps. In the event that planning permission is granted, a condition is recommended to be imposed requiring details of renewable energy provision as part of each reserved matters application to ensure that each phase of the development accords with the overall energy strategy.
- 8.40 Policy ESD3 requires each new non-domestic building within major developments to achieve BREEAM 'very good' standard to ensure that it is both constructed and designed to operate sustainably. A condition is recommended to be imposed to secure this and to ensure that details are provided as part of each reserved matters application to demonstrate how the buildings proposed in each phase would achieve the BREEAM standard as well as incorporate sustainable construction methods. Subject to these conditions being imposed on a planning permission, officers are satisfied that the proposed development can be suitably sustainable in accordance with the requirements of Policies Bicester 4 and ESD1-ESD5 of the CLPP1.

#### Other Matters

- 8.41 Policy Bicester 4 requires a staged programme of archaeological work to determine the archaeological potential on the site. A field evaluation has been undertaken of the land within the application site that has not previously been subject to investigation. This has not uncovered any deposits of any great significance that might affect whether parts of the site could be developed. OCC's archaeologist has confirmed in writing that there is no objection to the proposals subject to appropriate conditions requiring the development to proceed in accordance with an approved watching brief.
- 8.42 Policy Bicester 4 requires an assessment as to whether the land within the allocated site constitutes best and most versatile agricultural land. This is an odd requirement given that the site is allocated and thus the principle of developing it (and thereby

loss of the agricultural land) is established. Nevertheless, the arable land within the site has been found to be grade 4 as defined in the agricultural land classification and so does not meet the definition of best and most versatile agricultural land as set out in the NPPF.

- 8.43 The Council's recently adopted Developer Contributions SPD sets out a requirement for major developments such as this to utilise the employment of apprentices as part of the construction works. The Council's target is for 3 apprentices per each 1000sqm of development floorspace. Officers would expect the applicant to enter into a planning obligation to commitment them to an Employment Skills and Training Plan for each phase of the development which should seek to achieve the apprenticeship target set out in the SPD.
- 8.44 Officers note the representation from Wendlebury Parish Council and the requests for a pedestrian crossing of the A41 as part of this development. However, given the very limited number of people likely to wish to walk to the development from Wendlebury this is not considered to be proportionate to the impact of the proposals or reasonably necessary to promote sustainable travel. Whilst the proposals would increase vehicular traffic along the A41, as a proportion of the baseline traffic levels this increase would not be significant and so there cannot be considered a reasonable justification for a pedestrian crossing to be provided as part of this development to make crossing of the A41 easier for existing pedestrians.

#### Planning Obligation(s)

- 8.45 Where development would give rise to adverse impacts that require either direct or indirect mitigation in order to be acceptable, planning obligations can be used to secure such mitigation. Planning obligations are subject to both planning policy and statutory tests to ensure that they are used appropriately. In short, planning obligations must be: a) necessary to make the development acceptable in planning terms; b) relevant to the development proposed; and c) reasonable in scale and kind. Having considered relevant local and national planning policy together with the statutory tests set out in the CIL Regulations 2010 (as amended), officers recommend that the following are secured via a planning obligation before planning permission is granted:

#### *Cherwell District Council:*

- Commitment to construction apprenticeships;
- Delivery of landscaping and ecological enhancements on adjacent land together with long term management.

#### *Oxfordshire County Council*

- Direct delivery of the appropriate highway mitigation schemes via S278 agreement with OCC (such schemes and the timing of their implementation to be determined by officers dependent upon alternatives proposed by the applicant through re-modelling of traffic flows);
- £375,000 as a public transport contribution (dependent upon justification and viability);
- Provision of bus stop infrastructure within the site (dependent upon justification for the contributions towards diverting the bus service into the site);
- Strategic highway infrastructure contributions (£2.965m dependent upon justification and viability) towards the cost of developing the South East Perimeter Road;
- Provision of a new bus stop, pedestrian crossing and associated infrastructure along the A41 (if not provided first through the Bicester Gateway Retail development);
- Footway/Cycleway improvements along the A41 through to Pioneer Way;
- £2,040 towards travel plan monitoring.

## 9. PLANNING BALANCE AND CONCLUSION

- 9.1 The application proposes a suitable quantum of Class B1 development on the site which has been allocated for such purposes within the Local Plan and which has the potential to deliver a high quality business park. Whilst the application proposes both Class B1(a) and Class B1(b) development, officers are satisfied that this mix is appropriate and would assist in enabling viability and interest in the development from potential occupiers. However, the current scheme has a number of failings in relation to key aspects of Policy Bicester 4 such that officers cannot currently conclude that the proposals comply with the site allocation policy or other relevant development plan policies such as Policies SLE4, ESD10 and ESD15 of the CLPP1. However, officers are confident that there are resolutions to these shortcomings such that the proposals could achieve due compliance with Policy Bicester 4 and other relevant development plan policies. The starting point for considering planning applications is the development plan and proposals that are in accordance with an up-to-date development plan should normally be approved and those that conflict should normally be refused. The NPPF endorses this approach and the importance of following the plan-led system where such plans are up-to-date. Where the identified highways/transport and ecological concerns associated with the proposals can be satisfactorily resolved, officers are content that the proposals would accord with the development plan and that, in the absence of other material considerations indicating otherwise, planning permission should be granted. Where these impacts cannot or have not been resolved, officers propose that the application should be returned to the Planning Committee for re-determination so that Members can undertake an appropriate assessment and balancing of the issues and impacts of the proposals against the development plan and other material considerations.
- 9.2 In addition to considering the proposed development against the development plan, officers have also had regard to other material considerations as part of applying an overall planning balance. In this respect there are significant benefits associated with the creation of employment development in Bicester to help provide for the new housing and thus contribute towards creating sustainable growth. Officers also recognise that there has been a lack of new office development in Bicester in recent years and that there are benefits to this in helping to diversify the local economy away from the warehousing/distribution sector. There is also the potential for the development to generate business rates for the Council and a local finance consideration such as this can be material. Officers however do not recommend that this is given any real weight given the advice in the Planning Practice Guidance that it must be clearly connected to making the development acceptable in planning terms and *“it would not be appropriate to make a decision based on the potential for the development to raise money for a local authority”*. Whilst there is the potential for social and economic benefits resulting from the proposals, the environmental benefits are currently limited and in fact, due to the unresolved ecological concerns that officers have, are overall probably negative.
- 9.3 Officers recognise that there are benefits associated with the proposed development but also recognise the importance of following the plan-led system and the potential implications (including the potential to set precedents) associated with not resolving the aforementioned highways and ecological concerns. Consequently, officers have concluded that planning permission should only be granted when/if such matters have been satisfactorily resolved and that making this detailed assessment is delegated to officers to undertake.
- 9.4 For the purposes of Regulation 24(1)(c) of the EIA Regulations 2011 (as amended) this report provides a statement of the main reasons and considerations on which the recommendation is based including a description of the main measures to avoid,

reduce and potentially offset the significant adverse environmental effects of the development.

## 10. RECOMMENDATION

That outline planning permission is granted, subject to the following:

- a) Satisfactory resolution of OCC's concerns regarding the impact on local junctions subject to input from the independent transport consultant;
- b) Satisfactory resolution of officers' concerns with regards net biodiversity impact and the impacts on protected/priority species;
- c) Determination as to whether the strategic highway contributions and bus service contributions sought by OCC are justified and, where considered to be necessary, that such contributions are sought to the extent that the development would not prove unviable;
- d) Satisfactorily completion of a legal agreement with Cherwell District Council and Oxfordshire County Council to secure those items listed in paragraph 8.44;

**All of the above to be determined as satisfactory by the Assistant Director of Planning Policy and Development in consultation with the Chairman of Planning Committee. Where such above matters are not considered to be satisfactory, the application is to be referred back to Planning Committee.**

- e) Imposition of the following conditions as summarised below subject to such amendments as deemed appropriate by the Assistant Director of Planning Policy and Development:
  1. Submission and approval of Reserved Matters
  2. Submission and approved of Phasing Plan
  3. Time limit for submission of Reserved Matters
  4. Time limit for implementation
  5. Development in accordance with approved plans/drawings/documents
  6. Submission and approval of existing and proposed ground levels/floor levels per phase
  7. Submission and approval of fire hydrants within each phase
  8. Removal of permitted development rights for above ground utility infrastructure
  9. Development to achieve BREEAM 'very good' standard
  10. Submission and approval of details of renewable energy technology within each phase
  11. Submission and approval of surface water drainage strategy for the whole development
  12. Submission and approval of SuDS scheme for each phase
  13. Development to take place in accordance with the submitted Flood Risk Assessment
  14. Submission and approval of foul drainage scheme for each phase
  15. Undertaken desk study of contamination
  16. Undertake Phase 2 contamination assessment if necessary
  17. Submission and approval of remediation scheme where contamination found
  18. Undertake approved remediation scheme and require verification prior to occupation
  19. Requirement to cease work and submit remediation strategy in the event of finding unexpected contamination
  20. Provision of electric vehicle charging points in each phase

21. Submission and approval of construction management plan for each phase
22. Submission of odour report with each Reserved Matters application
23. Restriction of use to Class B1(a) and Class B1(b) with only up to 15,000sqm GEA able to be used for Class B1(b) purposes
24. Submission and approval of a car park management plan for each phase
25. Submission and approval of pedestrian connections to the A41 and Bicester Avenue Garden Centre
26. Submission and approval of further details of the vehicular access to the development from Lakeview Drive
27. Submission and approval of a revised Framework Travel Plan for the development
28. Submission and approval of a travel plan per phase
29. Submission and approval of a written scheme of investigation
30. Undertaken archaeological evaluation in accordance with the approved written scheme of investigation
31. No removal of hedgerows or site clearance during breeding birds season unless checked by qualified ecologist first
32. Requirement for a protected species check by a qualified ecologist prior to development commencing
33. Biodiversity statement to be submitted as part of each Reserved Matters application relating to a phase
34. Submission and approval of a scheme of landscaping and ecological enhancement together with associated management plan for blue edged land shown on site location plan
35. Submission and approval of a scheme of public art prior to occupation
36. Requirement to undertake impact studies on mains water supply to determine any capacity improvements necessary

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