

Case Officer: Linda Griffiths

Applicant: DB Symmetry (Bicester Reid) Ltd

Proposal: Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, 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 Nick Cotter
Cllr Dan Sames
Cllr Lucinda Wing

Reason for Referral: Major development

Expiry Date: 2 July 2019

Committee Date: 18 July 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

This application seeks full planning permission for the erection of a single B8 building of 31,038 square metres on the last parcel of land at Bicester 12 being brought forward by DB Symmetry. The land already benefits from planning permission for commercial development but the application proposal falls outside the agreed parameters relating to 16/00861/HYBRID in terms of its floorspace and height and therefore cannot be considered as a reserved matter. Vehicular access will be via the newly created junction to the A41 serving the recently erected units adjacent. The design and materials of construction of the building will be similar to Units A1, A2 and B adjacent.

Consultations

The following consultees have raised **objections** to the application:

- Ambrosden Parish Council

The following consultees have raised **no objections** to the application:

- OCC Highways, Thames Water, CDC Environmental Protection Officer, OCC Drainage (initially objected but this has since been withdrawn)

3 letters of objection from third parties have also been received.

Planning Policy and Constraints

The site is allocated for residential and employment development under Policy Bicester 12

of the adopted Cherwell Local Plan 2011-2031. The site is within 2km of Arcott Meadows SSSI and Gavray Drive and Blackthorn Meadows Local Wildlife sites lie just to the north. There are records of protected and notable species within 250m of the site. A public right of way runs adjacent to the western boundary. The deserted Wretchwick Medieval Settlement is located outside the application site but within the Bicester 12 allocation to the west.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details 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
- Residential impact
- Sustainability
- Planning obligation

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

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 detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application 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 and forms part of the wider Bicester 12 allocation. The site currently stands in open countryside but will become part of the wider South East Bicester strategic allocation when this is finally built out. Immediately adjacent to the site to the east are the newly constructed B8 buildings, A1 and A2, occupied by Bentley Designs and Medline and a currently vacant unit B.
- 1.2. The application site extends to 7.01 ha excluding the existing estate road and has frontage to the A41 for the whole of its southern boundary. Immediately to the west 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 and west 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.

2. CONSTRAINTS

- 2.1. The application site lies within 2 kilometres of Arncott Bridge Meadows SSSI and Gavray Drive and Blackthorn Meadows Local Wildlife Sites are situated just to the north of the site. There are a number of protected and notable species, including Great Crested Newt which have been identified within a 250m buffer of the site. There is a public right of way which runs outside the site along the western boundary. The deserted Wretchwick Medieval Settlement, a Scheduled Ancient Monument is located outside the application site but within the wider Bicester 12 strategic allocation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. In November 2016 outline planning permission was granted for the erection of B8 buildings on the whole site as part of a hybrid application which also gave detailed planning permission for the erection of two smaller B8 units (A1 and A2) on part of the site which are now completed and occupied (16/00861/HYBRID refers). This application seeks full planning permission for the erection of a single B8 building on the last parcel consisting of 31,038 square metres of logistics floorspace 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 outline stage. The proposed building measures 140m by 210m and is proposed to be orientated side on to the A41 with the servicing to the east of the building and car parking to the northern elevation away from the A41. The design and materials of construction of the building will be similar to those already erected on the site.
- 3.2. Vehicular access is proposed via the newly created access to the A41, just to the east of the Ambrosden turn, which also serves the adjacent units. The offices are indicated to the front of the building overlooking the car park. The landscape buffer and mound to the A41 and western boundaries will be retained.
- 3.3. The unit is proposed to be constructed speculatively to promote the best prospect of securing early occupation.

4. RELEVANT PLANNING HISTORY

- 4.1. 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 against non-determination. Appeal subsequently withdrawn |
| 16/00861/HYBRID | Full planning permission for 18,394 SQM (198,000 SQ FT) of logistics floor space, within class B8 of the town and country | Application Permitted |

planning use classes order 1987, with ancillary class B1 (A) offices, together with access from A41 Aylesbury Road, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant.

Outline planning permission for up to 44,314 SQM (477,000 SQ FT) of logistics floor space, within class B8 of the town and country planning use classes order 1987, with ancillary class B1 (A) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval.

| | | |
|--------------|---|-----------------------|
| 17/00051/NMA | Non-material amendment to 16/00861/HYBRID - Amendment to the external appearance of units A1 and A2 | Application Permitted |
| 17/00124/NMA | Non-material amendment to 16/00861/HYBRID - Amendment to the external appearance of Unit A2 | Application Permitted |
| 17/02369/F | Erection of sprinkler tank and pump house | Application Permitted |
| 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 | Application Permitted |
| 18/01096/ADV | (Retrospective) 2 Non illuminated letters on surface of roof, 1 Non illuminated letters on North West elevation, 2 Non illuminated letters on North East elevation and South West elevation, 1 Internally illuminated freestanding estate name entrance sign and 4 Internally illuminated freestanding unit | Application Permitted |

occupier name and goods vehicle and car
park entrance signs

| | | |
|--------------|--|----------------|
| 19/00512/ADV | Erection of 3 No. hoardings | Split Decision |
| 19/00034/NMA | Amendment to application 18/00091/F - Application Amendment to condition 4 to allow a Permitted change in timeframe for the landscape planting to the rear slope of the A41 bund adjacent to Unit C. | |
| 19/00038/NMA | Non Material Amendment to application Application 18/00091/F - An amendment is sought to Permitted the roof plan for the relocation of Photovoltaic panels | |

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

6.1. 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 18.04.2019, although comments received after this date and before finalising this report have also been taken into account.

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

- Object to more huge warehousing round Bicester which bring in HGV's, polluting the atmosphere and creating noise
- Already traffic jams along A41 which tail back to Tesco and Langford Village roundabouts
- These buildings are ugly and have no provision for generation of their own electricity through solar panels
- Block off wildlife corridors and provide an ugly background to the Wretchwick Green estate

CPRE Oxfordshire object as summarised below:

- Size and scale of the building which is approximately twice the size area of other buildings on Symmetry Park
- Landscape and setting, planting of trees on the bund will not block the view even when matured
- Energy statement is not good enough, plan shows only 25% of a small area of the roof above the offices with solar panels. Request a condition that PV panels should be installed on a larger area. There is a requirement to reduce carbon emissions to zero by 2050, rather than the 20% being proposed here.

Boyer on behalf of Redrow/Wates object as summarised below:

- The development will bring a large single warehouse building of considerable size and scale close to the Wretchwick Green development. The information submitted does not address residential amenity and the ES also fails to consider future residents in the revised cumulative assessment.
- Landscaping to the western boundary is insufficient to provide adequate screening and the emergent tree species referenced in the Landscape Management Plan are inappropriate for screening planting.
- Connectivity with Wretchwick Green is reduced as the connection point no longer aligns with the existing public right of way contrary to Policy Bicester 12. Neither are the proposed A41/Ploughley Road signals incorporated into the drawings.
- Not clear why the foul drainage does not discharge straight into the foul sewer network.
- A new S106 should be sought to comply with the recently adopted SPD

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

7. RESPONSE TO CONSULTATION

7.1. 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

7.2. AMBROSDEN PARISH COUNCIL: **object** on the grounds of visual impact, the green corridor should be omitted so that the building can be moved closer to unit B, should be no illumination on the west elevation and no floodlighting to the NE car park, proposed bunding should be higher, glazing to the NW elevation will cause light pollution, development should not be permitted until the bus stops are completed and the Travel Plan refers to bus services that no longer exist.

7.3. BICESTER TOWN COUNCIL: **no comments** received

7.4. BLACKTHORN PARISH COUNCIL: **no comments** received

CONSULTEES

7.5. OCC HIGHWAYS: **no objections** subject to standard conditions in respect of a Travel Plan and construction traffic. The section 106 Agreement from the approved Symmetry Park development (ref 16/00861/HYBRID and as varied by 18/00091/F) must be linked to the current application.

7.6. OCC DRAINAGE: (initial response) **objection** on the grounds that the drainage strategy is not providing a sustainable drainage solution in line with current local and national standards. The proposal to deal with surface water is a piped system to a deep attenuation tank which is not in accordance with the 'Local Standards and Guidance for Surface Water Drainage on Major development in Oxfordshire' which sets out standards in line with National legislation and guidance. It is not providing the correct climate change allowance which is now 40%.

Update: **Objection removed** following the receipt of a technical note from Hydrock on behalf of the applicant and the provision of a swale to the north of the car park.

- 7.7. THAMES WATER: **no objection**. Foul waters will not be discharged to the public network although if this was to change, a revised application would be necessary. With regard to surface water drainage, the developer should follow the sequential approach. Following investigations Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of the development and therefore recommend a condition accordingly.
- 7.8. CDC PLANNING POLICY: **no comments** received.
- 7.9. CDC ECOLOGY OFFICER: **no comments** received.
- 7.10. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objection**. Noise, contaminated land and odour have already been dealt with under 16/00861/HYBRID and no further comments are made. Air quality has also previously been dealt with although we would like to see provision for EV charge points. The lighting scheme is acceptable.
- 7.11. CDC ARBORICULTURAL OFFICER: The design and access statement suggests the retention of trees and hedgerows to be incorporated into the proposed landscape plan. An Arboricultural report is recommended including Report Impact Assessment and Method Statement to BS5837.
- 7.12. THAMES VALLEY POLICE: advises that in order to meet the requirements of the NPPF and HMCLG's Planning Practice Guidance on design that a condition be imposed requiring the development to incorporate 'secured by design' into the detailed design.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. 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

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- Bicester One Shared Vision
- CDC 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

8.4. Council Corporate Priorities

Cherwell District Council’s Business Plan for 2019-20 sets out the Council’s three strategic priorities which form our overarching business strategy. Below these are the key actions for the year 2019–20. This is a strategy which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

The three corporate priorities are to ensure the District is “Clean, Green and Safe”, that it supports “Thriving Communities & Wellbeing”, and is a District of “Opportunity & Growth”. All three priorities are of significance to the determination of planning applications and appeals. Below these priorities, the key actions which are of most relevance to planning applications and appeals are: (1) deliver the Local Plan; (2) increase tourism and increase employment at strategic sites; (3) develop our town centres; (4) protect our built heritage; (5) protect our natural environment; (6) promote environmental sustainability; (7) promote healthy place shaping; (8) deliver the Growth Deal; (9) delivery innovative and effective housing schemes; and (10) deliver affordable housing.

The remaining key actions may also be of significance to the determination of planning applications and appeals depending on the issues raised.

The above corporate priorities are considered to be fully compliant with the policy and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

9. APPRAISAL

9.1. 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
- Residential impact
- Sustainability
- Planning Obligation

Relevant planning history

9.2. 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).

9.3. The hybrid application sought to overcome the concerns raised in respect of the original outline application summarised as follows:

- An overall reduction in the quantum of development
- Increase in the provision of additional landscaping along boundaries
- Reduction in the maximum height of units from 18m to 15.5m and unit A1 restricted to a maximum of 14.6m to ridge
- Reduced neighbour impact by reduced height and increased distance of buildings from them
- Three clear development parcels
- Identification of footpath/cycle links to the wider Bicester 12 development
- Provision of integrated green infrastructure corridors and enhanced on-site ecological benefits as a result of additional perimeter planting
- Revisions to the access to A41 following discussions with OCC

- Unit A1 flipped to allow optimum solution in landscape terms
 - Drainage issues resolved
 - Commitment to provide mature planting along A41 landscape bund
- 9.4. Permission was granted in November 2016. The first two units to which the detailed element referred are now completed and occupied. A subsequent detailed application was submitted in 2018 for unit B adjacent (18/00091/F) refers. This application was submitted in full rather than reserved matters, as it also sought to raise the height of the building to 18m in addition to a small increase to the building footprint. Consent was issued in November 2018.
- 9.5. 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). It was considered by members in November 2018 and resolved to approve subject to conditions and finalising the Section 106.

Environmental Statement

- 9.6. The application is accompanied by an Environmental Statement (ES). The proposed development falls within Schedule 2 of the EIA Regulations, being an industrial estate development project likely to have significant effects on the environment by virtue of factors such as its nature, size and location. The ES identifies any significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.
- 9.7. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 3 requires that local planning authorities should 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.
- 9.8. 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). Noting the detailed assessment that follows in this report and the existing planning permission which was itself subject to EIA, Officers concur with this conclusion.

Planning Policy and Principle of Development

Policy Context

- 9.9. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and 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 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. Cherwell District Council has an up to date Local Plan.

- 9.10. 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 ha of that land shall be for 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.
- 9.11. Policy PSD1 of the Cherwell Local Plan 2011-2031 accords with the NPPFs requirement for 'sustainable development' and that planning applications that accord with the policies in the statutory development plan will be approved without delay unless material considerations indicate otherwise.
- 9.12. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, flood risk and sustainable drainage, transport, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 9.13. The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 8).
- 9.14. In relation to the economic role, this 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. The provision of new businesses will also help improve the local economy through business rates and local expenditure within the town centre.
- 9.15. The social role of 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 boundary of the development site for connection into the remainder of Bicester 12 and then onwards to the town centre.
- 9.16. In terms of the environmental role, the development must contribute to the protection and enhancement of the natural, built and historic environment. Objections have been received from third parties regarding the visual impact of the development and the effect on wildlife and biodiversity. These impacts are considered in greater detail below, but the development does provide landscaping belts to the perimeter of the site and green infrastructure corridors to link with the wider Bicester 12 development, thereby according with this role.

Assessment

- 9.17. Given the proposed development is allocated for mixed use development under Policy Bicester 12 and the fact that an extant outline planning permission has already been granted for B8 use on this site, the principle of developing the site for a large B8 building is established.

Conclusion

- 9.18. The proposed site is allocated for residential and employment purposes. It is not considered that the proposal will result in any significant harm for reasons expanded on later in this report, and is therefore considered acceptable and compliant with Policy PSD1 relating to the presumption in favour of sustainable development and the requirements of Policy Bicester 12.

Transport Access and Highway Safety

- 9.19. Strategic Objective 13 of the adopted Cherwell Local Plan 2011-2031 aims to reduce the dependency on the private car as a mode of travel and increase opportunities for travelling by other modes. Policy ESD1 sets out an aim to mitigate the impact of development on climate change by delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport. Policy SLE4 has similar objectives relating to improved public transport and connections and a modal shift away from an over reliance on the car to less energy intensive forms of transport including walking and cycling. It also states that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported. This is also reflected in Section 9 of the NPPF – Promoting sustainable transport.
- 9.20. The Environmental Statement approved under the original hybrid application (16/00861/HYBRID) assessed the traffic impacts of the development during the construction and operational phases of the development of the whole site, including this site for unit C. 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, and concludes that the increase in floor area will not result in severe residual transportation impacts. 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.
- 9.21. The proposed development exceeds the agreed parameter plan of the previously permitted scheme by 1,905m². The additional transport impacts have been assessed by OCC as highway authority who has concluded that the additional area of B8 warehouse use is not likely to generate a significant increase in traffic movements above that of the permitted scheme (around 3 two-way movements in the AM peak and around 2 two-way movements in the PM peak). The total floor area for Symmetry Park, with the proposed development, would remain within the scope of that traffic impact assessment.
- 9.22. 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 planning obligation linked to the extant permission for the site includes an obligation to provide 3m wide shared use pedestrian and cycle paths, to link to 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 is located). The location of these paths was agreed through the planning obligation.

- 9.23. As a consequence of proposing a single building, the 3m wide footpath/cycle path that runs east to west between Symmetry Park and the wider Bicester 12 site, which was secured through the Section 106 Agreement attached to the hybrid application will need to be relocated to the north in order to accommodate the proposed development. It should be noted however, that the footpath/cycle path will still connect to the existing public right of way and the County Council therefore raises no objections to the proposed realignment of this link.
- 9.24. A Deed of Variation to the existing Section 106 Agreement will be required since the location of the footpath/cycle path is to be amended from that set out in the Section 106 and in order to secure the ongoing maintenance of this footpath/cycle path.
- 9.25. Within the site, in addition to the dedicated pedestrian and cycle links, footways are to be provided along the main access road. At Unit C, the footway runs along the northern side of the access road/parking area on the opposite side of the proposed building, and a zebra style crossing is proposed at the main entrance to the building to provide safe pedestrian and cycle access.
- 9.26. The existing access onto the A41 which was approved and assessed within the original Transport Assessment as part of the hybrid application and has now been constructed is to be utilised for the proposed development. For the quantum of development now proposed, it has been shown to operate well within capacity during peak network hours and is therefore acceptable.
- 9.27. In terms of vehicle and cycle parking provision, this is in line with Oxfordshire County Council standards. The plans show a total of 203 standard car parking spaces plus 12 disabled spaces located to the north of the building. 12 of these car parking spaces are proposed to have electric charging points. The servicing area is located to the eastern side of the building. Cycle parking is located adjacent to the disabled parking close to the main office entrance into the building which accords with the County Council's standards in terms of being located conveniently close to the main pedestrian entrance of the building.
- 9.28. Swept path analysis have been submitted which demonstrate that cars will be able to safely and easily manoeuvre within the car park and that HGVs can safely enter, turn and exit within the service yard, while passing another HGV at the service yard access.
- 9.29. A Framework Travel Plan is in place for the Symmetry Park site, as a requirement of the existing outline permission. The targets and measures set out in this Framework Travel Plan will apply to the proposed development. The B8 floor area for this development is above the threshold for the requirement of a specific travel plan for the development proposed. This overarching travel plan will act as the basis for the individual site-specific travel plan which is required for this development. A condition is recommended accordingly. A Travel Plan monitoring fee will also be necessary which is included within the original Section 106 relating to the hybrid application.
- 9.30. Having regard to the above therefore, the proposal is considered acceptable in highway and transport terms and therefore in accordance with the development plan policies and the NPPF in this respect.

Employment

- 9.31. Section 6 of the NPPF – 'Building a strong competitive economy' states at paragraph 80 that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be

placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development’.

- 9.32. 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 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.
- 9.33. 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 guidance within the NPPF.
- 9.34. 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 and 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 new homes or the rate of household formation that has occurred and continues to occur in Bicester.
- 9.35. The Council’s most recent annual Monitoring Report (AMR) December 2018 identifies that in 2016/17, Cherwell saw a considerable gain of over 103,000 sqm of employment floor-space completed compared to the previous year. Most of the employment completed was in B8 and mixed B uses in Banbury. In 2017/18 there were fewer gains and completions and they were mainly located within the rural areas, including new employment units at Wroxton.
- 9.36. The total number of employment commitments have increased compared to the last monitoring year. At 31st March 2018 there was outstanding approved employment space to be implemented equating to 498,044 sqm. Bicester contributed to the majority of these commitments (75%). In Bicester there have been net gains across all the different B use classes with a significant commitment predominantly B8. These include sites at North West Bicester, Skimmingdish Lane and adjacent to Oxford Road. In terms of this site, Bicester 12, the first 2 units – A1 and A2 – are now occupied; Unit B is currently vacant and this application relates to the final parcel, Unit C.

- 9.37. 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 to deliver 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 Employment 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 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. A condition is therefore recommended which will require a strategy to be agreed which sets out how apprenticeships and training opportunities will be encouraged, both during construction and subsequent occupation. A similar condition was also included on the extant hybrid permission.
- 9.38. In terms of the type of B use class proposed and the resultant number of jobs created, it should be noted that there is an extant outline planning permission for B8 use on this site which is a material consideration in the determination of this application. It should also be noted that this site forms part of a strategic allocation for B1, B2 and B8 purposes, of which B8 is identified as the predominant use. The proposal is therefore in accordance with planning policy in this respect. A Prologis Technical Note submitted with the hybrid 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.
- 9.39. 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 the application.
- 9.40. Having regard to the above, the application proposal is therefore considered to be consistent with the development plan and the principle of Policy Bicester 12 and the site has an important role to play in the delivery of new employment to the area, secure economic growth and to support the growth of housing.

Landscape and Public Right of Way

- 9.41. 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’.

- 9.42. Policy ESD15 of the Local Plan 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 in 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.
- 9.43. 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. A public right of way also runs immediately adjacent to the western boundary of the site and views of the proposed new building will be clearly visible to users of that right of way. The landscape and visual impact from the proposed increase in building height of 2.5m above that approved under the hybrid application, from 15.5m to 18m may give rise to a significant effect and this has therefore been considered by the ES submitted with this application. However the ES concludes that there would be no additional significant visual effects as a result of this development.
- 9.44. During the consideration of the extant hybrid permission, the creation of significant landscape bunding to the A41 boundary and the south west corner of the site were agreed in order to help mitigate the visual impact of the development from residential properties immediately adjacent to the site in addition to the wider landscape impact. That landscape bund is not changed by this application and has already been constructed and landscaped. The landscape buffer from the south eastern edge of the proposed building is 26m at its minimum, widening to 52m at its south western corner and 54m from the closest part of the building to Wretchwick cottages. This landscape bund was agreed to provide greater screening from the A41 and to reduce the visual impact of the development on the occupiers of Wretchwick Cottages. Whilst objections were received from the occupiers of those cottages to the original hybrid application, no comments have been received in respect of this submission.
- 9.45. In terms of views into the site, these are actually relatively contained from the immediate locality and once the remainder of Bicester 12 comes forward for development, the new development will not appear as isolated as it does at present. The building however, even with the proposed planted bund will remain very visible for a number of years when travelling from Ambrosden along the Ploughley Road towards the A41. That said, once the remainder of Bicester 12 is built out, it will be seen against a backdrop of other buildings, including further employment provision to the rear of the site. Furthermore, once the planting and landscaping is established, whilst the building will not be wholly screened from view, its impact will be lessened and softened.
- 9.46. This is a significant building which is approximately double the size of Unit B adjacent in terms of floorspace and greater in height than Units A1 and A2, and

although Unit B has also been constructed to 18m in height, it is quite significantly smaller than the building proposed here. (Consent for the increase in height of unit B to 18m was granted last year; 18/00091/F refers). The applicant was asked to consider reducing the height of this building to 16.6/17m, but responded that the reduction would not be viable and the building would be unlettable in the current market. Officers have no evidence to counter this argument.

- 9.47. The proposed increase in height is considered somewhat regrettable particularly alongside the increase in footprint, and Officers consider there will be some additional adverse impact on landscape and visual amenity. Nevertheless it is considered that, on balance, it would be difficult to defend a refusal on this issue at appeal as the increased height proposed, at 2.5m, would not be so discernible in terms of landscape and visual impact over and above that of the approved development. Furthermore any additional harm caused must be weighed against the benefits of the scheme, noting also that the site is allocated for such development in the Development Plan.
- 9.48. To conclude therefore, having regard to the above, whilst this is a balanced judgement and the development will be visible, and it would not be possible to hide a building of such a scale easily, it is considered that the landscape buffer will over time 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 and Government guidance within the NPPF in this respect.

Heritage Impact

Legislative and policy context

- 9.49. The wider Policy Bicester 12 site contains a Scheduled Ancient Monument (SAM), a deserted medieval village which is located approximately 0.7km to the north west of this site. One of the key site specific design and place shaping principles of Policy Bicester 12 requires that development proposals protect cultural heritage and archaeology, in particular the Grade II listed Wretchwick Farmhouse and the SAM.
- 9.50. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.51. Conservation Areas, Listed Buildings and Scheduled Ancient Monuments are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).* This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2031 Part 1 echoes this guidance and requires appropriate information and assessments to be included within the application submission to enable an assessment of the potential impact of a development upon them to be made. Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are also relevant in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments.

- 9.52. The site is also located in an area of archaeological potential along the line of a Roman Road from Alchester to Verulanium. 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 application is accompanied by a Written Scheme of Investigation which was prepared pursuant to the granting of the hybrid planning permission for the site which has been approved by the County Archaeologist. 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 the most appropriate for employment use.
- 9.53. In terms of the impact of the proposed development on nearby listed buildings, the closest are those on the opposite side of the A41 behind an existing tree screen. It is considered that the increased footprint 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 development plan and Government guidance within the NPPF.

Design, Layout and Appearance

- 9.54. Section 12 of the NPPF – Achieving well designed places, advises that the creation of high quality buildings and places is fundamental to what planning and the development process should achieve. At paragraph 127 it further advises that planning decisions should ensure that ‘developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping’.
- 9.55. 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 development.
- 9.56. A Design and Access Statement has been included in the application documentation. The application design proposals for Unit C are very similar to those already constructed on the site. The proposal seeks to increase the floor area of the building as well as increase the height from 15.5m to 18m. The proposed unit will incorporate a barrel-vaulted roof design to reduce the visual massing as far 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, A2 and B adjacent.
- 9.57. The orientation and layout of the building has been designed in order to create minimal visual impact from the A41 and to protect the amenities of the adjacent cottages in terms of noise from any servicing and light pollution. The offices unfortunately are not located to the A41 frontage but are located at the rear of the unit. The provision of offices to the A41 frontage is preferable as it helps to break up the otherwise blank elevations. However, in this case, the proposed landscape bund will eventually screen the majority of the building from the immediate environs of the A41 and therefore the offices to this elevation are not critical to the acceptability of the scheme in this instance.
- 9.58. It is considered that the proposed building as submitted is acceptable in visual and design terms being typical of a building of this nature and consistent with the design of adjacent buildings recently constructed on the site. Furthermore, because of the landscaping proposed to the A41 it will not cause additional significant harm to the locality in the medium to long term, and is therefore in accordance with Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

Ecology Impact

Legislative context

- 9.59. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.60. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.61. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.62. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.63. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.64. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological

value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.65. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.66. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.67. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.68. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.69. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.70. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.71. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

9.72. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the River Ray and has a seasonably wet ditch running adjacent to the western boundary and there are a number of mature trees and hedgerows along the boundaries of the site. The site therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts and invertebrates.

9.73. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.74. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.

9.75. The ES submitted with the hybrid application included an ecological assessment of the site which found that the habitats within the site are of generally minimal ecological value reflecting its agricultural use. This application is supported by an updated pre-commencement ecological walkover which concluded that – in the light of the absence of any protected species constraints on the site which have not already been assessed - the development of the site can proceed without harm to any protected species potentially present on the site, subject to the implementation of the submitted Biodiversity Method Statement and Management Plan produced by ADP and dated March 2017.

9.76. Officers are satisfied, subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

9.77. 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.

9.78. 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 Cherwell Local Plan and Government advice within the NPPF and is therefore acceptable in this respect.

Flood Risk and Drainage

- 9.79. The application site is located wholly within Flood Zone 1. Section 14 of the NPPF – Meeting the challenge of climate change, flooding and coastal change – advises that ‘major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate’.
- 9.80. Policy ESD6 of the adopted Cherwell Local Plan 2011-2031 requires that flood risk assessments are included with development proposals such as the application site which would assess all sources of flood risk and demonstrate that there will be no increase in flood risk as a result of the development. Policy ESD7 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.
- 9.81. The submission has been assessed by OCC as Lead Flood Authority who originally objected to the proposal on the grounds that the drainage strategy did not provide a sustainable drainage solution in line with current local and national standards. The proposal to deal with surface water through a piped system to a deep attenuation tank is not in line with the ‘Local Standards and Guidance for Surface Water Drainage on major Development in Oxfordshire’ which sets out the standards applied by OCC in assessing surface water drainage proposals to ensure they are in line with national legislation and guidance, as well as local requirements. This guidance expects developments to move away from a pipe and gully system to a site control solution, including a treatment and management train wherever possible. Neither did the proposal provide the correct climate change allowance which is now 40%.
- 9.82. Following the above objection, Hydrock on behalf of the applicant submitted a Technical Design Note dated May 2019 which sought to address the issues and to clarify the surface water drainage system that had been approved for the original hybrid application (16/00861/HYBRID) and the subsequent detailed application for unit B (18/00091/F). The principles behind the drainage strategy for Plot C is as agreed with OCC for Plots A and B in that the surface water drains from the roof and hardstanding to below ground attenuation through a petrol inceptor; the surface water then drains to a proposed swale via a pump and the swale drains by gravity to the existing field ditch. The climate change factor has been amended from 20% to 40% and the calculations updated. The revised results show an increased volume of flooding in 1 in 100 year +40% climate change event and this floodwater will be stored within the car park, yard and docks.
- 9.83. Following the submission of the Technical Note above, OCC were unable to remove their objection on the grounds that it was considered that whilst a pumped solution can be acceptable, other SuDS measures had not been sufficiently investigated that could be implemented to ensure a gravity solution could be achieved.
- 9.84. Following further discussions with OCC, OCC have now been able to remove their objection as the application proposal has been further amended and a swale is now

proposed along the northern edge of the car park. A condition is recommended relating to the detailed design of the SuDS.

Residential Impact

- 9.85. Immediately adjacent, to the west of this site are a pair of cottages, known as Wretchwick Green Cottages, the occupiers of which submitted significant objections to the original hybrid application. That application sought to address the impact of the proposed B8 buildings on those properties by the provision of a landscaped bund to the south eastern corner of the site and adjacent to the A41 boundary. This bund remains in place and has now been constructed and landscaped in accordance with the approved plans, although it is excluded from the application red line site boundary.
- 9.86. Objections have also been submitted in respect of this application from Boyer on behalf of the developers of the remainder of Bicester 12, Redrow and Wates, on the grounds that the proposed screening is inadequate along the western boundary and the scale and massing of the proposed building will adversely impact upon the residential amenities of future residents to the west. It should be noted however that the proposed building will be a minimum of 26m from the boundary of the proposed residential parcels. Whilst future residents will be fully aware of this development which will be visible, it is considered that in any event the impact of the proposed building is not so significant over and above that which has already been approved under the hybrid application such that a refusal on visual amenity grounds and residential amenity could be justified.
- 9.87. The accompanying ES has addressed the impact of the development on these residential properties, both in terms of the construction of the site and its operational use once constructed and concluded that the impacts would not be sufficient to justify refusal of the application. Officers concur with this conclusion.
- 9.88. In terms of potential noise generated by the proposal on the amenities of existing and future residents, it is considered that the proposed larger building with all servicing to the eastern boundary and car parking to the northern part of the site will have less impact than two smaller buildings with servicing between as was indicated on the hybrid parameter plan. The proposal has also been assessed by the Head of Environmental Health who raises no objections but recommends the re-imposition of a condition which was included on the original hybrid application which restricts the noise levels impact on Wretchwick Cottages.
- 9.89. Saved Policy C31 of the adopted Cherwell Local Plan 1996 advises that in existing and proposed residential areas that development which is not compatible with the residential character of an area, or would cause an unacceptable level of nuisance or visual intrusion would not normally be permitted. As expressed above, the proposal by virtue of its scale, form and type would have an impact upon the adjacent residential properties, however, this is an allocated site for mixed use development and the provision of a landscaped bund to the south eastern corner will reduce the visual impact and domination of the development when viewed from these properties to an acceptable level.
- 9.90. Having regard to the above therefore, it is considered that the proposed development would not have such a significant and unacceptable detrimental impact upon the residential amenities of existing and future residents over and above that of the extant permission sufficient to justify refusal of the application proposal on these grounds. The application is therefore considered to be in accordance with the Development Plan and Government guidance within the NPPF in this respect.

Sustainability

- 9.91. 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 ESD4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision.
- 9.92. The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 153 that 'in determining planning applications, local planning authorities should expect new development to comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable and, take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption'
- 9.93. Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to sustainability are as follows:
- Demonstration of climate change mitigation and adaption measures including exemplary demonstration of compliance with the requirements of Policies ESD1-5
 - The incorporation of SuDS (see Policy ESD7: Sustainable Drainage Systems), taking account of the recommendations of the council's Strategic Flood Risk Assessment. Detailed site specific analysis and ground investigation to determine whether infiltration SuDS techniques are acceptable, due to underlying geology and groundwater vulnerability attenuation techniques are likely to be required
- 9.94. An energy statement was submitted with the original hybrid application and has been re-submitted as part of this proposal. A feasibility assessment for District Heating (DH) and Combined Heat and Power (CHP) was undertaken to assess technical feasibility and commercial viability of DH/CHP networks but it was concluded that it was not commercially viable to deliver this on site. It further advises that the suitability of potential renewable and low carbon energy sources, such as photovoltaic panels (PV), solar water heating and air/ground source heat pumps could be employed at the site and should continue to be reviewed as the detailed design progresses.
- 9.95. This application proposes that the building should be constructed to BREEAM 'very good' standards and that PV panels will be incorporated on 25% of the roof area above the offices. This is in accordance with Unit B adjacent which has already been constructed. Conditions will be imposed accordingly.
- 9.96. Having regard to the above, the application is in accordance with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the NPPF.

Planning Obligation

- 9.97. 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.
- 9.98. The original Hybrid application 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 to the original agreement that was entered into with the hybrid proposal, to ensure that the development remains tied to the obligations in the original agreement.

Human Rights and Equalities

- 9.99. The Human Rights Act 1998 ("HRA") sets out fundamental freedoms which have been laid out by the European Convention on Human Rights ("ECHR"). In making any decisions, Cherwell District Council ("the Council") should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.
- 9.100. The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

Article 6

- 9.101. Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case any comments/concerns raised by third parties are listed above and have been taken into account in assessing the application. In addition, third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

- 9.102. Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours' property.
- 9.103. Officers have considered that, in the event that the application is granted planning permission, there will not be any discrimination (or potential discrimination) on neighbours.

Duty under The Equalities Act 2010

- 9.104. S149 of the Equalities Act 2010 ("EA") sets out what is known as the Public Sector Equality Duty ("PSED"). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.105. Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The application site is part of the larger Policy Bicester 12 mixed use allocation (including employment use) within the adopted Cherwell Local Plan 2011-2031. The development of this site for B8 purposes has been established through the extant hybrid permission for the whole site (16/00861/HYBRID refers). There is therefore a commitment for B8 on this site which is a material consideration in the determination of this application. The consideration of this application must therefore only consider the increase in size of the building and the increased height and whether these are so significant to justify refusal.
- 10.2. Having regard to the above, the application proposal is considered to be in accordance with Policy Bicester 12 and the associated policies within the adopted Cherwell Local Plan 2011-2031, saved policies as above within the adopted Cherwell local Plan 1996 and Government guidance within the NPPF. Approval of this scheme will therefore play an important part in the early delivery of sites allocated within the Cherwell Local Plan 2011-2031 thereby enabling the delivery of new employment development to support economic growth and to support the growth in new housing.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE OBLIGATIONS SUMMARISED AT PARAGRAPH 9.98 OF THIS REPORT**

CONDITIONS

Time Limit

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.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: FULL LIST TO FOLLOW IN WRITTEN UPDATES

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

Construction Traffic Management Plan

3. No development shall take place until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of times for construction traffic and delivery vehicles to access the site, which must be outside of peak network hours. Thereafter, the approved Construction management Plan shall be implemented and operated in accordance with the approved details for the duration of the construction phase of the development.

Reason – In the interests of highway safety and residential amenities of neighbouring properties, to comply with Policies ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework. This information is required prior to the commencement of the development as it must be implemented from the point the development is commenced.

External Lighting

4. Prior to the first occupation of the building hereby approved, and unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the external lighting shall be installed strictly in accordance with the details shown on drawing number 18/1093/E/11 rev A and the submitted lighting schedule.

Reason – To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

Planting Maintenance

5. 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 or on completion of the development, whichever is 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 within the National

Planning Policy Framework.

Re-use of Topsoil

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 thereafter re-used during the preparation of the site and implementation of the approved landscaping scheme.

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 amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

Hedgerow Retention

7. Except to allow the provision of the footpath/cycle link into the adjacent site along the western boundary (as shown on Drawing No: 4036-C02- 001 P10), the existing hedgerows to the northern, southern and western boundaries 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 in the current/next planting season with others of similar size and species and thereafter be properly maintained in accordance with this condition.

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

Travel Plan

8. 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 sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport and 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 and Government guidance within the National Planning Policy Framework.

Flood Risk Assessment

9. The development hereby permitted shall be carried out strictly in accordance with the approved Flood Risk Assessment (FRA) dated April 2016/32765-4001-Rev C produced by Peter Brett, the Flood Risk Technical Note C11238-HYD-00-ZZ-TN-C-7000-P2 and C-11238-HYD-00-ZZ-TN-C-7001 Rev P2 dated 2nd May 2019 and the mitigation measures contained therein shall be implemented in accordance with the approved timescales.

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 policy ESD6 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Sustainable Drainage

10. PRECISE WORDING AWAITED FROM OCC DRAINAGE AND TO BE REPORTED IN THE WRITTEN UPDATES

Water Network Upgrades

11. The development hereby approved shall not be occupied until confirmation has been provided that all water network upgrades required to accommodate the additional flows from the development have been completed.

Reason – The development may lead to no/low water pressure and network enforcement works are anticipated to be necessary to ensure sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance with policy ESD8 of the Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

Outside Storage Restricted

12. Following the first occupation of the unit hereby approved, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed in the open without the express planning consent of the Local Planning Authority.

Reason – In order to safeguard the visual amenities of the area and residential amenities of nearby residential properties in accordance with saved Policies ENV1 and C28 of the Cherwell Local Plan 1996 and policy ESD15 of the Cherwell Local Plan 2011-2031 and Government guidance within the NPPF.

Noise Management

13. 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):

- Daytime (0.700-23.00) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq; Little Wretchwick Farm: 34dB LAeq
- Night time (23.00-0.700) Wretchwick Farm Cottages and Wretchwick Farm: 31dB LAeq; Little Wretchwick Farm: 28dB LAeq

Reason – To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

Unexpected Contamination

14. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until 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 the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risk to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996 and government guidance within the National Planning policy Framework.

Ecology Checks

15. 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 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.

Apprenticeship Strategy

16. No development shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase 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 will be employed, where the apprentices may be placed within the company and where apprentices will be taken from. The strategy shall be implemented in accordance with the approved details.

Reason – In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

BREAM Very Good

17. The building 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 ESD1-5 of the Cherwell Local Plan and Government guidance within the national Planning Policy Framework.

Electric Vehicle Charging

18. Prior to the first occupation of the building hereby approved, the electricity charging points for vehicles shall be provided in accordance with the details shown on the approved plans.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Solar PV Panels

19. Prior to the first occupation of the building hereby approved, Photovoltaic (PV) cells shall be installed on at least 25% of the roof coverage on the first floor offices in accordance with the approved roof plan (Drawing number 4036-C02-008 P03) and the PV report (CPW ref CPW-ME-181093-P01 dated February 2019). The PV cells shall thereafter be retained and maintained in accordance with the approved details.

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

Use Restricted to B8

20. The premises shall be used only for purposes falling within Class B8 specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason : To protect the amenities of nearby residents, in the interests of highway safety, and to safeguard the provision of strategic employment land, in accordance with Policies SLE1, SLE4, ESD15 and Bicester 12 of the Cherwell Local Plan 2011 – 2031 Part 1.

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