

Case Officer: Rebekah Morgan

Applicant: Bicester Motion

Proposal: Outline planning application for Automotive Experience Quarter comprising Commercial, Business and Services uses (Class E), Light Industrial (Class B2), Local Community and Learning Uses (Class F) and vehicle circuits (Sui Generis) with all matters reserved aside from that of access).

Ward: Launton and Otmoor
Fringford and Heyfords

Councillors: Cllr Timothy Hallchurch, Cllr Simon Holland, Cllr David Hughes
Cllr Patrick Clarke, Cllr Ian Corkin, Cllr Barry Wood

Reason for Referral: Major development

Expiry Date: 31 December 2021

Committee Date: 13 January 2022

SUMMARY RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY), THE COMPLETION OF ARCHAEOLOGICAL TRIAL TRENCHING AND RECORDING, RESOLUTION OF PUBLIC TRANSPORT MATTERS, AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106

1. APPLICATION SITE AND LOCALITY

- 1.1. For the purposes of this application, the site area and redline boundary relates to a parcel of land situated on the north-western side of the existing flying field and includes the existing perimeter track and some land within the airfield for proposed driving tracks. The site area totals 25.2 hectares. This site is bounded by the airfield to the south and east, the former Stratton Audley quarry site to the north and residential properties on Buckingham Road (and beyond) to the west. The site area was amended during the course of the application to remove the former quarry site and reduce the overall site area, including some land north of the airfield.
- 1.2. The site is part of the wider former RAF Bicester Airfield, which is located to the north of Bicester on the outskirts of the town. The site is now occupied by Bicester Motion, a company specialising in historic motoring and aviation. The site occupied by Bicester Motion comprises the main ‘technical site’ area (where most of the buildings are located) and the flying field which extends to the north and east of the main technical site area, totalling around 141.5 hectares.
- 1.3. The whole of the site (including the flying field) is designated a conservation area and most of the buildings within the main technical area are listed (Grade II). The few remaining unlisted buildings are considered to ‘make a positive contribution’ to the area in the Conservation Area Appraisal and would therefore be considered as non-designated heritage assets. Existing vehicular and pedestrian access to the technical site is gained just north of the roundabout on Buckingham Road. A second access off Skimmingdish Lane serves as access to the airfield. There are residential properties located to the west and southwest of the site. There are also several Scheduled Monuments located on the edges of the flying field and within the main technical area.

2. CONSTRAINTS

2.1. The following constraints apply to the site:

- The site is located within the Conservation Area of RAF Bicester;
- The wider Bicester Motion site contains 22 Grade II Listed Buildings, with the remaining buildings making a positive contribution to the character and appearance of the conservation area and are therefore considered to be non-designated heritage assets;
- The site lies within the wider setting of Scheduled Monuments to the south;
- There is a Site of Special Scientific Interest (SSSI) within 2km of the site (the quarry to the north);
- The site is within a designated Local Wildlife Site, which extends all around the perimeter of the airfield;
- There is an electricity distribution site to the south, beyond Skimmingdish Lane;
- The site lies within an area of archaeological interest;
- The Bicester Motion site is bordered to the south by the A4421 Skimmingdish Lane and to the west by the A4421 Buckingham Road;
- There are residential properties to the south, south-west and west of the Bicester Motion site (on the opposite sides of the bordering roads);
- The site is allocated in the Cherwell Local Plan for mixed use development including employment uses (Policy Bicester 8).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks consent for the construction of an automotive brand centre comprising commercial, business and service uses (Class E), light industrial (Class B2), local community and learning uses (Class F) and vehicle circuits (sui generis) using the airfield perimeter tracks. The application is submitted in outline with all matters reserved except for access. Originally, the application also proposed further development within the former Stratton Audley Quarry and alongside the northern edge of the airfield perimeter track, but those elements were later withdrawn.

3.2. The submitted planning statement describes the proposal and states: *“the Experience Quarter will be a collection of the world’s most exciting mobility brands situated in beautifully designed galleries with demonstration circuits. It is proposed to create a sustainable centre for automotive and aviation activity that will respect and enhance the historic environment at the site for future generations.”*

3.3. The Planning Statement goes on to describe the proposal in more detail by stating: *“The Experience Quarter will have a wide range of activities, including:*

- *New driver training and handling tracks, which will allow for visitors to learn new skills in a safe and family focused environment, plus guests of all ages can get behind the wheel or simply enjoy the show from the planned viewing points and walkways. Their tracks are motorsport inspired and designed for driver training, time-trials and testing – as well as demonstration and experience activities.*
- *Demonstration and event areas are planned, enabling brands to showcase new and exciting technologies to the public. As we move towards a greener future, Bicester Motion’s aim is that the Experience Quarter will be internationally recognised as the leading site for sustainable transport product launches and demonstrations, with the benefit of the on-road and off-road tracks, demonstration zones and airfield.*
- *The creation of new walkways and cycleways, connecting the four Quarters which will enable visitors to explore on foot, cycle, or scooters promoting health and well-being through the enjoyment of open green space filled with family friendly activities.”*

- 3.4. It is noted that the application is submitted in outline with all matters reserved except for access. However, the application documents include an indicative layout plan showing the proposed location of a building(s) in the northwest corner of the flying field, the re-purposing of the perimeter track, the creation of new tracks within the flying field and the location of an e-karting circuit.
- 3.5. It should be noted that the proposal has been amended during the consideration of the application to remove an area of land within the former quarry site (originally proposed for 4x4 tracks) and to delete some proposed trackside pavilions.

4. RELEVANT PLANNING HISTORY

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

18/01253/F

Erection of hotel and conference facility with associated access, parking and landscaping. [This lies to the west of the airfield, alongside Buckingham Road and immediately north of the 'technical site', which is known as the Heritage Quarter]

Application Permitted

18/01333/F

Extension to existing Technical Site to provide new employment units comprising flexible B1(c) light industrial, B2 (general industrial), B8 (storage or distribution) uses with ancillary offices, storage, display and sales, together with associated access, parking and landscaping.

Application Permitted

19/02708/OUT

Outline: Provide new employment units comprising B1 (Business), B2 (General Industrial), B8 (Storage) and D1 (Education) uses with ancillary offices, storage, display and sales, with all matters reserved except for access. [Known as the FAST Quarter]

Application Permitted

- 4.2. It should be noted that subsequent Section 73 applications (19/02275/F, 20/00475/F, 20/00832/F and 20/00842/F) relating to application 18/01333/F have also been granted consent to allow change of use and external alterations to individual buildings within the Technical Site area.
- 4.3. The above site history represents the three major developments that have been permitted on the wider Bicester Motion site; the hotel, extension to the technical site area and employment development to the southeast of the flying field. The original technical site has a detailed planning history with several planning applications and listed building consent applications associated with individual buildings, including a site wide consent for commercial uses.
- 4.4. The general approach taken on the technical site has been to allow changes of use that fit with the commercial nature of the site and minor physical changes to the buildings to ensure their long-term use and viability with an aim of conserving the heritage assets on the site.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

19/02092/PREAPP

Proposed development of an Automotive experience centre comprising B1 (business), B2 (light industrial) and D2 (Leisure) uses with ancillary spectator facilities comprising D1 (Non-residential), Sui Generis (workshop/ showrooms), A3 (restaurants and cafes) and offices, storage, display and sales comprising the 'Brand Experience Centre' at Bicester Motion, Bicester.

20/02519/PREAPP

A proposed Experience Quarter of high-quality design and construction - follow up to 19/02092/PREAPP.

- 5.2. The first pre-application enquiry (19/02092/PREAPP) submitted outline details for an automotive experience centre similar to the proposal that is now the subject of this application. It indicated a mix of employment, tourism and leisure uses.
- 5.3. The conclusions of the pre-application enquiry supported the principle of this type of development on the site and advised that Officers considered the proposal would broadly accord with policies in the Cherwell Local Plan 2031. Provided that the applicant responded positively to concerns raised by consultees, it was felt that a future application could likely be supported.
- 5.4. The applicant's attention was drawn specifically to concerns regarding noise and the requirement for a detailed submission that addressed this issue. Sufficiently detailed parameter plans would also be required to support any outline application with some elements, such as safety barriers and pavilions requiring a greater level of detail to be submitted. The applicant was advised that technical reports should reflect any advice given by technical consultees.
- 5.5. The follow-up pre-application enquiry (20/02519/PREAPP) focused specifically on the issue of aviation. An independent review of the proposal was undertaken by an aviation specialist.
- 5.6. The independent advisor was broadly supportive of the proposed approach, in terms of the slight re-alignment of the runway paths and the safeguarding of a strip of land to provide a runoff buffer should any take-off need to be aborted. That approach would be acceptable given the type/size of aircraft that continue to use the airfield.
- 5.7. If the applicant receives outline consent, then the design of any building(s) (height/position/material finishes) would need to pay careful consideration to aviation safety, to ensure they do not impede the safe use of the airfield. Given the land available within the application site, that should be possible. Therefore, the proposal ought not to impact negatively on the operation of the airfield or prevent the continued use of the site for aviation purposes.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of site notices 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. Re-consultation has taken place following the submission of additional information. The final date for comments was **22 December 2021**.

6.2. The comments raised by 36 third parties are summarised as follows:

Residential amenity – noise and disturbance

- Significant noise and disturbance already exist – further development will have a negative impact
- Detrimental to the health and well-being of nearby residents, particularly those in the nearby Care Home
- Noise levels are unacceptable with cars on the track
- Current noise from use of the airfield and the type of aircraft that use it since gliding stopped
- Noise impacts from constant cars driving around the track
- Additional tracks will increase noise and use of the circuits
- New tracks closer to residential properties
- The data used for the reports on noise is based on existing tracks/use and doesn't give confidence in proposed situation
- The 4x4 experience would be too noisy
- Impact on the nursing home and residential properties that surround the site
- This is not the right place for a race track
- The site already breaches noise levels when they have events, what will make them comply with a noise management plan this time?
- If it does go ahead, sound barriers should be constructed like on motorways

Heritage

- Negative impact on Stratton Audley Conservation Area
- Loss of omni-directional airfield
- Heritage impacts on existing site
- This is a site of historic importance and shouldn't be covered in concrete
- This is an attempt to build over key pieces of RAF history
- The construction of the circuits will alter that character of the site

Highway matters

- Highway impact on Caversfield during existing event days
- Traffic impacts and congestion
- Increased pressure on the already struggling network due to cumulative development on the site
- Transport Assessment isn't robust enough
- Impact during building works; noise pollution and traffic
- Access to the site from the Bicester Road is inadequate and will cause congestion and potential highway safety risk
- Insufficient parking proposed, especially with the other developments on the site, which could lead to parking off-site nearby

Ecology and biodiversity

- Impact on wildlife on the adjacent quarry
- Negative impact on wildlife
- The site has records of rare, scarce and declining species
- The site is of County importance for its habitat and biodiversity
- The site supports a range of legally protected species

Environmental

- Fossil fuel burning cars creating pollution, inconsistent with modern post-COP26 agreements and targets
- Noise, light and environmental pollution
- Impact on air quality

Support

- Pleased British motorsports is being developed in this area
- Increase in jobs, especially in the STEM sector, is a bonus for the town
- It would be great to have Bicester as an exemplar for how vehicle technology has changed and what the future looks like
- It will bring in visitors who will spend money in the town
- The proposal will act as a tool to stimulate overall economic recovery following the global pandemic
- Will enhance events at a facility already loved by many

Other

- Applicant has done no consultation with residents
- Brings development closer to Stratton Audley
- No details for potential airfield lighting
- This is an airfield not a race track
- The application should cover the whole site, taking into account previous developments and cumulative impacts
- It doesn't fit with Bicester's Garden Town and Eco Town aspirations
- There used to be a footpath prior to the airfield being built. It ran across the area that is now a quarry and was lost when the airfield was built
- The application is highly detailed in supporting information but lacks detail of how or what impact it will have
- The proposals do not benefit the community
- Devaluation of nearby residential properties

6.3. MISSION MOTORSPORT: *'Where the Bicester area has such strong heritage, the 'people' component of the heritage will be greatly enriched by this development'.*

6.4. OxLEP: *'Bicester Motion's concept will provide major investment into the County and attract additional inward investment from major international business, along with stimulating the visitor economy – all of which will contribute to Oxfordshire's swift economic recovery.'*

We at OxLEP believe that this application represents a significant opportunity for Bicester to forge and secure its identity as a world-leader in Motion – supporting our vision to drive Oxfordshire to become one of the top three global innovative ecosystems by 2040. The project will be a key component of establishing the future growth trajectory of Bicester and is set to be of great benefit and importance to the local community – and wider community across Oxfordshire'.

6.5. DEPARTMENT FOR INTERNATIONAL TRADE: *'We see strong inward investment prospects within the sectoral area of Bicester Motion. It can provide a platform for multiple technologies to develop and therefore we believe will be an attractive destination for international investment. Specifically, the project geography within the OxCam Arc and the projects alignment to the UK's ambition to become a science superpower may resonate strongly with investors'.*

6.6. EXPERIENCE OXFORDSHIRE: *'Experience Oxfordshire supports this application and would encourage the Council to consider its approval. The development enhances the local offering, provides significant investment into the district, offers job creation and opportunity, and will help with economic growth and aid recovery post Covid-19. This application should be welcomed and supported'.*

6.7. VISIT ENGLAND: *'A major investment in a development such as this would be a vote of confidence for the tourism sector'.*

6.8. All 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. LAUNTON PARISH COUNCIL: **Objects**, on the following grounds:

- Irreparable damage to a nationally, if not internationally, important historic asset in particular the flying field which is explicitly part of the Conservation Area
- Noise nuisance to nearby residents
- Aggravated traffic problems on an already inadequate road network
- Intrusion of new buildings into protected, heritage views
- Change of Use

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

7.3. STRATTON AUDLEY PARISH COUNCIL: The initial response stated that the Parish Council are generally **supportive** of the plans put forward. In spite of this support, they raised a number of **concerns** and asked that they are carefully considered. In a follow-up response, the PC objected to the application. The concerns broadly fall within the following categories:

- Road safety, particularly for cars, pedestrians and cyclists
- Increased traffic congestion
- Noise generated by test and track side events
- Increased air traffic surrounding the village
- Impact on wildlife/biodiversity in the former Quarry area

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

An additional response was received following re-consultation. It reiterates the points previously made and raises the following further issues:

- Lack of 24-hour access through the site to enable pedestrian and cyclist safe passage in the absence of a public footpath
- Noise reaching Stratton Audley from the proposed new track facilities (conditions are requested)
- Traffic calming measures to deal with concerns that the proposal will increase 'rat running' through Stratton Audley (conditions requested)

7.4. CAVERSFIELD PARISH COUNCIL: **Objects**, on the following grounds:

- Loss of the protected airfield within a conservation area
- Lack of defined, detailed, Master Plan
- Change of Use
- Noise nuisance to nearby neighbours
- Traffic impact
- Disturbance to the quarry and associated wildlife
- Potential light and air pollution

The Parish Council have submitted detailed comments for each of these points and these have been considered in full.

CONSULTEES

7.5. HISTORIC ENGLAND: **Object.**

'The proposals would cause a significant level of harm to this exceedingly rare and important bomber training airbase and important features of the site are proposed for harmful change. The careful conservation of its many features and structures are required through policy Bicester 8 and the harm posed by the development demands both clear minimisation of harm and strong justification for any harm being caused. Stated aims in the application are for a sustainable future and a unified site together with preservation and enhancement of assets, yet these benefits are ill-defined and there is no clear mechanism for their delivery. We acknowledge and support the excellent, sensitive conservation that has been done at the technical site and hope that a scheme can be reached that achieves a similar level of high-quality conservation for the flying field and other structures at the base.'

Historic England provided a detailed response considering the significance of the former airfield and its features, impact of the outline scheme, relevant planning policies and advice on the current scheme and next steps.

Officer comment: The detailed comments provided by Historic England are discussed at length in the appraisal section of this report. The comments are considered along with comments from the Council's Conservation Officer and the applicant's Conservation consultant. Clear information is provided to explain how the development has been considered in relation to the tests set out in the National Planning Policy Framework (Chapter 16: Conserving and enhancing the historic environment).

7.6. OCC HIGHWAYS: **No objections**, subject to Section 106 contributions, an obligation to enter into a Section 278 agreement and planning conditions as set out in the response.

Officer comment: It is noted that the Local Highway Authority originally raised an objection to the proposal, but their initial concerns have been resolved following submission of additional/amended information by the applicant. The appraisal section of this report sets out this position in more detail.

The response provides detailed comments on the required Section 106 contributions (including justification) the requirements of the Section 278 agreement and the requested conditions. A separate response regarding the requested public transport contribution has also been submitted.

7.7. OCC MINERALS AND WASTE: The site is not in a Strategic Resource Area and there is no safeguarded waste development in close vicinity. We therefore have no objection to the proposed development based on the revised red line plan in the location plan.

7.8. OCC ARCHAEOLOGY: Qualified **Objection**, the results of an archaeological evaluation will need to be submitted with this planning application in line with paragraph 189 of the NPPF.

Detailed comments include a justification for this requirement and expectations for the contents of any archaeological evaluation.

- 7.9. LEAD LOCAL FLOOD AUTHORITY: **No Objection**, LLFA appreciates the extensive information provided and the original objection has now been removed and conditional planning permission recommended.
- 7.10. CDC CONSERVATION OFFICER: The Council's Conservation Officer has provided detailed comments that are considered as part of the heritage impact in the appraisal section of this report.

The officer concludes that the proposal would result in 'less than substantial harm' to the RAF Bicester Conservation Area, in agreement with the comments received from Historic England. In accordance with paragraph 202 of the NPPF, the less than substantial harm needs to be weighed against the public benefits of the scheme. The cumulative harm of multiple developments both past and future within the RAF Bicester site should not be disregarded.

- 7.11. CDC LANDSCAPE OFFICER: I confirm my agreement with the judgement and recommendations of the LVIA, which is a comprehensive and well considered report.
- 7.12. CDC ENVIRONMENTAL PROTECTION OFFICER:

Noise – Having read the noise report provided and having had discussions with the applicant prior to the submission of the proposed scheme, I would like to make the following comments:

The noise report does indicate that for the older noisier vehicles there would be a low to moderate impact on the nearby residential properties, with the correct mitigation this can be reduced to a low impact as defined by the NPPF. In fact, it should be possible to improve the situation from the current unregulated use that has given rise to previous noise complaints to this department.

Therefore, I agree that a condition should be placed on any permission granted that a noise management plan should be agreed with LPA prior to the first use of the development, and this should be such that it can be continually reviewed and updated with Environmental Health Officers as the need arises. The plan should include (but not be limited to) such matters as numbers of days allowed for noisier vehicles use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community.

In addition, a condition should be in place stating that no use of the track will be allowed without the SPL Track Drive By System being in place. Should Bicester Motion wish to change supplier then any new monitoring system should be agreed with the LPA prior to its installation.

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

Contaminated Land – Having read the report provided I am satisfied with its contents and agree with its findings. I agree that a phase 2 assessment of the Former Quarry area should be carried out and supplied to the LPA for agreement prior to the development of this area.

Air Quality – Conditions have been requested requiring the submission of an air quality impact assessment and details showing a system of electrical vehicle charging to be installed within the development.

Light – A condition has been requested requiring the details of all external lighting to be submitted and approved.

7.13. CDC ECOLOGY OFFICER:

First response:

With regard to the above outline application, the ecological surveys submitted are all fine in scope and depth. The proposals as regards mitigation are still at an outline stage but are generally appropriate and mitigation seems possible here with the ongoing management proposed. Some of those proposals listed for the FAST site (sensitive lighting, integrated bat and bird enhancements, living roofs etc..) are equally relevant here but I'm not sure if they are intended.

I am a little unclear on how the proposed 4x4 track within the quarry LWS will impact biodiversity as I am not sure as to the extent of its use, whether there will be general off-road driving or a strictly marked course? Are the proposals likely to impact the sites designation?

The ecological report states that a net gain is achievable here as measured by a metric. I could not find the metric within the documents and this should be sent on as soon as possible. Whilst the ecologists here state their concerns with regard to any reliance on metrics, they form an important tool in ensuring net gain targets are met and demonstrated on site. It is necessary therefore to see the actual calculations in order to assess, even at outline stage, the level of gain possible. CDC seeks a net gain of 10% and where this is not met it is an indication that more may need to be done on site or potentially off site.

Second response:

The ecologists for Bicester Motion have sent on a Biodiversity Impact Assessment as requested. This does estimate that an acceptable overall net gain for biodiversity is achievable on site using the figures they have calculated. CDC has approved and suggested use of the WCC metric in the past despite it not being of direct local relevance to Cherwell DC, because this is the metric that was first introduced here when WCC covered my post. We have for a few years however accepted the DEFRA metric. I understand the viewpoint put forward by CPRE therefore that ideally the metric would now be rerun with the latest DEFRA calculator to ensure we are using the most up to date tool available in our assessment. There is no reason why this cannot be done for this application and the masterplan site as a whole.

I am of the opinion that we should request the applicant's ecologists to respond to the points raised in the recent comments that have resulted from CPRE commissioning additional ecological resource to assess the application. The document makes sound points throughout and clearly outlines where this application may struggle to protect the interest of the LWS and to achieve the net gain that is required. Whilst the application is at outline stage, it directly impacts a Local Wildlife Site so it is important that we ensure there is confidence that the overall ecological value of the site will be enhanced, and a net gain will be achieved that can be maintained throughout the operation of the site.

The current proposals entail loss of parts of the LWS habitats and therefore alternative options to this loss should be considered (for example outlining why at least some of the building footprint cannot be largely outside the LWS boundary). Where there is no

alternative however, mitigation needs to be proven to be achievable. Mitigation here and net biodiversity gain depends largely on the applicant's ability to create and maintain areas of Open Mosaic Habitat on site – at the side of the 4 x 4 track for example. It is not clear to me if all of these areas will be suitable for achieving OMH (in good condition) when operational given their proximity to vehicle movement and the likely kick up of sediment, footfall and exhaust pollution around the track? What is the 'battle' track to be made of? Will drivers stay on this track or will there be some off-road driving?

I have some concern about the reliance on 'ecology car parks' for some of the habitat creation. I cannot tell from the plans the extent of areas to be used in this way (or why, if they are ecologically valuable, it is only a proportion of car parks that are proposed to be designed this way). This is a relatively novel interpretation of this type of car parking surface as far as I can tell that I have not seen before and I have been unable to find any examples of this leading to achievement of habitats of value to invertebrates or Priority Habitats of LWS status. It would be useful if the applicants could send on evidence of the efficacy of using operational car parks to achieve good condition Open Mosaic Habitat and give a clearer idea of how large these car parking areas would need to be.

The ecological appraisal and enhancement plans suggest that green roofs will be 'sought' as additional enhancements however there is no indication of whether this will actually happen. I would like to see a commitment to include them (not just stating 'where viable') on a percentage of roofs.

Third response:

Further comments to address the CPRE's response to ES response: The changing of the red line of the application has made it feel a little muddled in terms of assessing impacts and meant that a new metric has been submitted later. I am not sure why we didn't receive the original metric up front, but it was sent promptly when requested. This is a relatively complicated site to assess due to trying to marry up the overall masterplan and the outline applications coming in in sequence which do not yet contain the detail to guarantee the deliverability of mitigation and net gain. I can understand why it is not easily understandable to third parties but also note that this has now been followed up with updates and an explanatory response from the developer's ecologists.

As regards the use of the Warwickshire metric, I do not believe there is anything underhand here in the choice of the use of this metric – it is just a result of how we first began to use metrics at CDC under guidance from WCC. The habitat assessments for this application were made some time ago before DEFRA metric 3.0 was an option. Having spoken to the developer's ecologist they have confirmed their intention to use DEFRA 3.0 in future applications, potentially alongside the Warwickshire metric for comparison with previous calculations. I do not have an issue with this and understand that it would be difficult to re-run the calculations here with a new metric now as habitat assessments were made with the Warwickshire one in mind. The masterplan could be re-run at a later date however with DEFRA 3.0 to provide clarity and I would advise this.

The proposals involve the loss of calcareous grassland and part of the LWS. I am not sure a proper assessment as to why this is unavoidable has been presented with this ecological appraisal. Usually, loss of habitat of high distinctiveness, if unavoidable, should be replaced like for like in terms of area and condition (this is highlighted by the error messages within the metric referred to by Bioscan). This is not proposed here. Instead, they plan to improve the condition of the current grassland and also allow areas of Open Mosaic Habitat to develop as mitigation and enhancement and to achieve biodiversity unit gains. This could lead to an overall greater ecological value

across the wider (masterplan) site over time, but it is hard to tell if this is achievable until we have reviewed a robust biodiversity management plan for this site. It seems unlikely to me however that this particular part of the LWS would retain its current LWS designation under these proposals.

I have discussed the use of ecology carparks with Ecology Solutions and can understand that these are of course preferable, ecologically, to hard standing. Whether they will become important habitats for invertebrates in their own right, even with graduated use as proposed, is still something I am unsure of, however I understand that they represent only a part of the OMH proposed.

CPRE requests an onsite meeting to discuss habitat condition, classification and distinctiveness. I am not sure if they are suggesting that we do this at this time of year? I am happy to facilitate a meeting at some point if all parties feel this would be helpful. Though it is unlikely to affect the proposals so may not add much to assessment specifically at this stage.

Fourth response:

The submitted Ecology Response Note draws together the information from several areas of the application and gives greater clarity as to the decisions, intentions and opportunities for the site. In particular, the habitat plan identifying areas of habitat by condition is useful in aiding assessment of likely habitat losses and gains. Given this I feel that, whilst the proposals do entail the loss of some of the better quality habitat of the LWS and would therefore inevitably affect the designation boundaries, there is reassurance that this can be adequately mitigated by the intention to raise, through better management, a greater area of habitat to LWS standard in other parts of the application site. This along with the securing of the future management of the site through a Habitat Management Plan does have the potential to lead to gains both for the LWS and for biodiversity generally. This will of course all hinge on a robust management plan with regular review and monitoring built in and which ensures that the aims for biodiversity on site are not in competition with the sites envisaged use going forward. The principles set out in this note however do give assurance that this should be achievable. I have no further objections at this outline stage therefore.

- 7.14. CDC ECONOMIC GROWTH OFFICER: **No objection**, I provide qualified support to the proposed development. In principle and in outline, this proposal adds further elements and value to this exemplar development; thereby supporting the broad economic development aims of the Council. In terms of detail, however, particularly careful consideration will be required to enable the proposal to avoid/mitigate potential conflicts whilst maximising the benefits that could accrue to the local community, to the environment, to the operator, occupiers and employees, and to the wider economy.
- 7.15. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) – including comments submitted by Bioscan on behalf of CPRE: **Object**

The CPRE and their representatives have made a series of submissions in response to the proposed application and to additional information that has been submitted during the course of the application processing.

The latest comments (9 November and 20 December) set out clearly their current position and their objections to the application as follows:

'CPRE has the following points to make in response to correspondence concerning the ecological assessments of the habitat at Bicester Airfield LWS:

1. In order for the LPA to have certainty as regards policy compliance with regard to this application and the wider masterplan, we maintain that an application specific and site wide calculation using Metric 3.0 would be beneficial.

2. We note that Ecology Solutions say that this would be hindered because they made "habitat assessments with the Warwickshire calculator in mind". There is clear guidance on how one can read across Phase 1 habitat classifications into the UKHab system and therefore we do not agree that this would be an onerous task. To the extent that there would be any difficulty at all, this could be assisted by seeking mutual expert agreement on classifications by means of the suggested site visit with the LPA ecologist, Ecology Solutions and Bioscan (representing CPRE).

3. We agree that by the means of replacing extant high distinctiveness calcareous grassland habitat with an aspiration to deliver a different habitat, the mitigation hierarchy of 'avoid-mitigate-compensate' is demonstrably not being followed and the proposals fail national policy presumptions and tests on this ground alone. We also agree that there is no assurance in the application information to counter the view that the impacts would result in the loss of the LWS designation where the proposals overlap. This would also fail national and local policy tests.

4. We believe a site visit even at this time of year would still be sufficient to assist in identifying a common and robust position on habitat classifications to ensure the metric outputs were more robust, and sufficiently fit for purpose to test policy compliance.

5. We note that an area in the north east of the site is marked as 'e-karting' on the indicative layout plan where previously there were to be 'viewing pavilions'. CPRE questions whether details of this update are given and also included in the biodiversity assessment, such as the area this would cover and what kind of surface is intended'.

Bioscan offered the following further comments on behalf of the CPRE on the matters discussed in the latest Ecology Solutions note:

"Balance of need for this specific development versus ecological impact."

Ecology Solutions now appear to openly acknowledge that the proposals will result in net losses of 'Priority' habitat (as indicated to be 'unacceptable' by both the Warwickshire metric and Metric 3.01) and likely total or substantial loss of the Local Wildlife Site and that this generates a conflict with both the Cherwell Local Plan and indeed national policy.

The recognition from Ecology Solutions that this is the position appears to have precipitated recourse to an 'overriding need' based argument, and a tempering of the exaggerated claims that a proposal which will occasion net loss of high-quality habitats and sufficient damage to a designated Local Wildlife Site to remove that status (as recognised by the Council's ecologist) is somehow consistent with a claim of 'net gain'.

Officers can at least now be better sighted on this issue, as compared with a situation where highly dubious percentage figures for net gain were seemingly being promulgated and then not challenged. The concessions made by Ecology Solutions underline that this situation is quite clearly one where the impact of this development will be net negative for both biodiversity and for the integrity of the Local Wildlife Site. It will be for officers and the committee to determine whether the specific proposals put forward under 21/01224/OUT are the only means of compliance with Policy Bicester 8, or indeed the only means of delivering the economic and public benefit objectives of that policy, or whether alternatives that better respect both the natural and historic attributes of Bicester Airfield, and are better aligned with other Local Plan and NPPF policies might be brought forward.

Realism of proposed ecological mitigation/enhancement

The standard approach to biodiversity net gain is that development proposals that will result in the loss of irreplaceable habitat resources cannot legitimately claim a 'net gain' position whilst remaining compliant with policy, unless the need is overriding in which case bespoke compensation must be agreed. That has not happened in this case. Instead, the Applicant relies on vague proposals to try and uplift the quality of retained areas, whilst also using them for other development-related purposes, as a means of compensation for the loss of existing high-quality grasslands, in a cycle of diminishing returns.

It is a situation analogous to sacrificing an ancient woodland to a housing development and then suggesting that managing an adjacent plantation woodland will compensate that loss, whilst also applying to use that plantation as a paintball venue. The latest note from Ecology Solutions provides more detail on the proposals for the creation of open mosaic habitat (OMH). This further detail includes translocation of soils, importation of materials and "localised topographical sculpting" on the airfield to create low bunds and depressions.

These proposals are vague, are submitted without evidence as to their suitability or efficacy for creating OMH (for example soils translocated from unspecified locations elsewhere within the site are likely to have latent fertility that will simply generate a ruderal flush, rather than the development of OMH communities) and they generate a number of new questions relevant to planning determination, such as:

- Have the additional construction vehicle movements within and to/from the site attendant with movement of materials and import of materials (volumes unspecified) been included in the traffic and air quality assessments to date?
- Has the impact of "localised topographical sculpting" on the heritage, landscape and aviation requirements of the airfield been considered and appropriately assessed? Have Historic England been consulted on this point for example?
- Has the compatibility of OMH creation (and indeed retained calcareous grassland) around the proposed track been considered alongside service and visitor requirements, for example marshalls, fire truck access, spectator areas, run off areas etc. Bunds and depressions in run-off areas are likely to be a hazard to motorsport activities as well as compromising continued use of the flying field for aviation.

In summary, Ecology Solutions' latest submission hints at a belated recognition and rowing back from the rather outlandish claims of net gain originally submitted to the Council. We now have recourse to claims of 'overriding need' to address the clear local and national planning policy conflicts as regards biodiversity. To the extent that long-term net gain, compensation or enhancement is still claimed, it is now shown to be based on vague and likely unworkable proposals that require multiple incompatible and overlapping uses of land to be resolved. Indeed, certain of the proposals as now specified would appear to introduce new and hitherto unassessed sources of heritage conflict and aviation safety concern and it is not clear whether Historic England and/or other relevant consultees have been appraised of them.

As a final point, we wonder if the Council is aware of the applicant's leisure development intentions (e.g. 60-80 chalets) for the adjacent Stratton Audley quarry site, and the implications of these for (inter alia) the Local Wildlife Site designations there. We previously raised a concern about how the incremental and piecemeal development of the Bicester Airfield site risked circumventing due scrutiny of cumulative but closely related effects, and suggested that a site-wide masterplan should be subjected to biodiversity assessment in order that the current and future development phases took into account net losses of biodiversity from earlier phases. We make the point that it is very likely that the sum of these development would require formal EIA, which would necessitate a more structured consideration of cumulative impacts. Such necessary checks and balances appear to be being circumvented here, and this is a matter that engages with relevant case law around application of the EIA Regulations. We urge the Council to consider this point carefully

before proceeding to determination of another 'phase' of this redevelopment project without due consideration of clearly related former and future phases."

All of the comments submitted throughout the application process by the CPRE (and their representatives) have been carefully considered with both the applicant and the Council's Ecology Officer responding to points. A full copy of all the submissions can be viewed on the Council's website.

7.16. BERKSHIRE, BUCKINGHAMSHIRE, OXFORDSHIRE WILDLIFE TRUST (BBOWT): **Object**, on the following grounds:

- Impact on Stratton Audley Quarry LWS and Bicester Airfield LWS
- Applicant does not provide evidence of a net gain in biodiversity

Detailed comments have been made in support of these two points and fully considered as part of the assessment of the application.

7.17. BICESTER BIKE USER GROUP (BBUG): **Object**, detailed comments have been submitted but they can be summarised covering the following points:

- Proposed access arrangements are poor and non-compliant with national and local policies. This will not enable walkers and cyclists to access the site.
- No engagement with users in accordance with LTN 1/20
- Concerns regarding design of the access
- The designer does not appear to have the appropriate level of experience and training in designing active for active travel
- Detailed comments raising concerns/issues cover the following junctions: 1) General access/Buckingham Road, 2) A4421 North/Buckingham Road (Main access), 3) A4421 East/Skimmingdish Lane.

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)

- BICESTER 8: RAF Bicester
- PSD1: Presumption in favour of Sustainable Development
- SLE1: Employment Development
- SLE3: Supporting Tourism Growth
- SLE4: Improved Transport Connections
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD7: Sustainable Drainage Systems
- ESD10: Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment

- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1: Transport Funding
- C1: Protection of Sites of Nature Conservation Value
- C2: Development affecting Protected Sites
- C4: Creation of New Habitats
- C7: Landscape Conservation
- C23: Retention of features contributing to the character or appearance of a Conservation Area
- C25: Development affecting the Site or Setting of a Scheduled Ancient Monument
- C28: Layout, design and external appearance of new development
- ENV12: Development on Contaminated Land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- RAF Bicester Conservation Area Appraisal – November 2008
- RAF Bicester Planning Brief 2009
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Principle of development
- Parameters – heights, scale, massing and design
- Heritage impact
- Landscape and visual impact
- Highway Safety - Connectivity and Access
- Ecology impact
- Residential Amenity
- Impact on aviation
- Flood Risk and Drainage
- Environmental Impacts
- Energy Efficiency
- Planning Obligations

Principle of Development

Policy Context

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

9.3. Paragraph 11 of the National Planning Policy Framework sets out a presumption in favour of sustainable development and states for decision taking, this means '*approving development proposals that accord with an up-to-date development plan*

without delay'. The presumption is favour of sustainable development is reiterated in Policy PSD1 of the Cherwell Local Plan 2031.

- 9.4. The application site is allocated in the Cherwell Local Plan 2031 under Policy Bicester 8 for '*conservation-led proposals to secure a long lasting, economically viable future for the Former RAF Bicester technical site and flying field*'. Policy SLE1 supports employment development on new allocated sites within the plan; RAF Bicester is one of the sites allocations which allow for employment development (B Use classes) within the plan. Policy SLE3 supports tourism growth '*in sustainable locations, where they accord with other policies in the plan, to increase overnight stays and visitor numbers within the District*'.
- 9.5. The Council's five year review of Local Plan policies (approved January 2021) concluded that policy Bicester 8 was "*...a site-specific policy that is generally consistent with the NPPF and local circumstances do not indicate that the policy needs updating at this time...*". Policy Bicester 8 refers to a Planning Brief for the former RAF Bicester. Whilst still material to the implementation of the policy and the consideration of the application, the Brief was prepared in 2009 and there has been subsequent development of the site. The document provides only informal development principles and does not have the status of a Supplementary Planning Document. Its stated purpose was '*to respond quickly to provide guidance on the future of this important site to advise potential purchasers*'. Nevertheless, the 2009 Brief was specifically referenced by the Local Plan Inspector in his consideration of Policy Bicester 8 in 2015. As such, the Planning Brief is still relevant. The document sets out the Council's aspirations for the site and future uses that would be considered appropriate.
- 9.6. The site has been occupied by Bicester Heritage (now part of Bicester Motion) since 2013, who have developed the site as a focus for historic motoring interests and technology with associated employment, leisure and apprenticeship opportunities. Paragraph 81 of the National Planning Policy Framework states '*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*'. It goes on to suggest an approach where areas build on their strengths and is particularly important where Britain can be a global leader in driving innovation.

Assessment

- 9.7. The application site is part of the wider RAF Bicester site which is allocated under Policy Bicester 8. The policy seeks to establish uses which will be complementary to, and help enhance, the character and appearance of the Conservation Area and the nationally important heritage value of the site whilst securing an economically viable future for the site. Policy Bicester 8 is a permissive policy setting out a number of acceptable uses including employment uses.
- 9.8. The land allocated within Policy Bicester 8 includes the technical site and the whole of the flying field. The policy is not specific about the type of commercial uses that would be appropriate, or the form such development should take (conversion, re-use or new build for example). It is supportive in general of tourism, leisure and commercial uses on the site. The policy does not stipulate which parts of the overall site are suitable for development but the policy does state (inter alia) that proposals "*must maintain and enhance the character and appearance of the conservation area...and preserve the openness of the airfield*".

- 9.9. The Planning Brief for the allocated site identifies the application site as comprising part of the 'flying field'. Within the Brief, the flying field comprises all land to east of Buckingham Road excluding the technical site. The Brief is not supportive of development on any part of the flying field, on the grounds it could harm the Conservation Area. Accordingly, the submitted proposal cannot be considered to accord with the Planning Brief.
- 9.10. However, in your officer's opinion, there are material considerations which must be considered in the balance against the apparent conflict. It is clear that whilst Policy Bicester 8 emphasises the need to "preserve the openness of the airfield", it at the same time supports "heritage tourism uses, leisure, recreation, employment and community uses...[and]...hotel and conference facilities". The balanced approach required is highlighted at para. C.92 of the Local Plan:
- "Policy Bicester 8 seeks to secure appropriate uses for a long-lasting 'conservation-led' approach to the technical site and flying field. It aims to establish uses that will be complementary to, and help enhance, the character and appearance of the conservation area and the nationally important heritage value of the site. It seeks to encourage a mix of uses that will best preserve the sensitive historic fabric and layout of the buildings and the openness of the grass airfield. However, the need to allow some flexibility in the interests of securing an economically viable future for the site is recognised."*
- 9.11. A hotel and employment development have already been permitted on other peripheral areas of the airfield. The context of the site and the surrounding area have changed significantly since the production of the brief; the site has been sold by the MOD with its acquisition, investment and re-use by Bicester Motion. Furthermore, the decisions to grant consent for the extension of the technical site, the construction of a new hotel and the granting of consent for employment development, all post-date production of the Brief and in the case of the hotel and FAST Quarter developments included works on parts of the original airfield.
- 9.12. Therefore, it is not considered that conflict with the Planning Brief and one aspect of the Policy (openness of the airfield), would be sufficient to conclude that the proposal was unacceptable. Like the hotel and employment developments before, the Experience Quarter development proposals would be limited to only a small peripheral part of the airfield and would still maintain the openness of the vast majority of the airfield area. Development would sit alongside existing and permitted development fronting the Buckingham Road and the proposals would be consistent with the remainder of the Policy Bicester 8 requirements and other relevant Local Plan policies.
- 9.13. In addition to Policy Bicester 8, proposals to provide additional employment uses on this allocated site are also supported by Policy SLE1, which permits new employment uses that are focused on existing and allocated sites. Furthermore, paragraph B.33 of the CLP 2031 sets out the aims for Bicester which include *'maintaining and increasing the motorsport industry and other performance engineering, encouraging high tech companies and improving its sustainability and self-sufficiency'*.
- 9.14. The proposal also intends to create a tourist destination offering visitor experiences that tie in with the 'automotive' nature of the site. This element of the proposal would complement the future hotel (which has extant planning permission) and would be considered in accordance with Policy SLE3 which seeks to increase visitor numbers to the district and overnight stays in sustainable locations.
- 9.15. The proposal will bring many economic benefits, not just to Bicester and the wider District, but to Oxfordshire, the south-east of England and the UK contributing to

building a strong economy and delivering positive growth. The proposal will provide a range of jobs in the leisure and tourism industry as well as highly skilled jobs in areas of knowledge driven, creative and high-technology industries.

- 9.16. The provision of this type of development at the site is supported by the Policies Bicester 8, SLE1 and SLE3 of the Cherwell Local Plan and the proposals will contribute towards the Council's economic growth objectives.

Conclusion

- 9.17. The NPPF states that achieving sustainable development means the planning system has three overarching objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.
- 9.18. The application proposes the provision of additional commercial development that will support the local economy and create additional jobs, providing an economic benefit. It is anticipated that the development will create a well designed and safe place for employees and visitors, allowing some access to this part of the historic site. The creation of employment development contributes to creating vibrant communities. The tourism nature of the proposal will help meet social needs of the local and wider community. As will be set out in later sections of this report, the proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required, and the use of the site for aviation will not be unduly compromised. Therefore, the development is considered to constitute 'sustainable development' and the presumption in favour must apply.
- 9.19. The proposal will provide additional commercial, leisure and tourism development on an allocated site in accordance with Policies Bicester 8, SLE1 and SLE3 of the Cherwell Local Plan 2031. The apparent conflict with the 2009 Planning Brief is not considered significant given the limited weight that can be attributed to the document and the significant change in context at the RAF Bicester site. The principle of employment development on the site is considered to be acceptable.
- 9.20. The proposal would constitute sustainable development on the site. Provided the proposal complies with other policies within the development plan (discussed below), it should be approved without delay in accordance with Government guidance contained within the NPPF and Policy PSD1 of the Cherwell Local Plan 2031.

Parameters – heights, scale, massing, and design

Policy context

- 9.21. Policy ESD 15 of the Cherwell Local Plan states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high standards and should respect the historic environment including conservation areas and listed buildings. Policy Bicester 8 of the Cherwell Local Plan also makes it clear that development at this site is to be 'conservation led', therefore meaning that it is what is appropriate for the site in terms of heritage related issues that must be at the forefront at all times.
- 9.22. Both of these policies are supported by Government guidance contained within the National Planning Policy Framework (sections on design and heritage) which states that good design is a key aspect of sustainable development to create better places (para. 126). Decisions should ensure that (amongst other factors) developments are visually attractive; sympathetic to the local character and history and optimise the potential of the site (Para.130). Section 16 on the historic environment acknowledges

that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (Para. 189).

- 9.23. Saved policy C28 of the Cherwell Local Plan 1996, requires all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context.
- 9.24. With the above policy context in mind, whilst the principle of new employment and tourism development at the site is supported, it is imperative that it is appropriately sited and designed to ensure that it fits in with the historical context of the site and respects the existing pattern of development.

Assessment

- 9.25. The heritage impacts of the development are subject to detailed assessment in a later section of this report. It is important, however, to first establish whether the broad design principles and parameters are an appropriate starting point for guiding development on the site. The application is submitted in outline with all matters reserved except for access, therefore the proposal does not include full design details for the buildings, and these will be the subject of a separate application. However, at this stage it is still imperative that the Council is confident the site can accommodate the level of development proposed without causing harm.
- 9.26. Parameter plans have been submitted to demonstrate maximum heights, developable area, land uses. The combination of developable areas which are clearly identified, constrained spaces for the location of buildings and the indicative layouts, means that there will be very limited options in terms of building footprint at the reserved matters stage. Combined with the height parameters, the plans suggest a single building or a series of buildings forming a 'V' shape in the northwest corner of the flying field. The height parameter plan suggests a maximum height of 10.5m with the northern and southern sides reducing to 5m.
- 9.27. The only element of dispute with the Council's Conservation Officer was the original proposal to include smaller scale pavilion buildings on the northeast side of the flying field, which would have been remote from other built forms and generally intrusive in what was otherwise an open area of airfield. The applicant has agreed to remove this element from the proposal, and this has been demonstrated in amended drawings.
- 9.28. The parameter plans set limits on the height and maximum developable area for the experience quarter building(s). At the reserved matters stage, it will be important for the design to take a conservation-led approach to ensure any impact on heritage is minimised. The parameter plans, as currently set out, would not prevent this approach from occurring.
- 9.29. The parameter plans, as submitted, are considered to be appropriate. The heights would not appear overly dominant in the location or detract from the main hangar buildings which are and should be retained as the most prominent features on the site.
- 9.30. The parameters should not be taken as a blueprint for the buildings. Design will be an important consideration at the reserved matters stage; architectural style can affect the feel of a building in terms of its bulk and massing. Therefore, the design, layout and scale will need to be considered as a whole.

Heritage Impact

Legislative and policy context

- 9.31. Paragraph 189 of the NPPF states *'Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'*.
- 9.32. The application site is within the RAF Bicester Conservation Area, and therefore falls into the NPPF definition of a designated heritage asset. There are Scheduled Monuments elsewhere on the RAF Bicester Site and a large proportion of the original buildings (including the hangars) within the technical site are Listed Buildings.
- 9.33. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.34. Likewise, Section 66 of the same Act 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.
- 9.35. Paragraph 197 of the NPPF states *'In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness*
- 9.36. Paragraph 202 of the NPPF states *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 9.37. Conservation Areas and Listed Buildings 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.

Assessment

Conservation Area

- 9.38. The significance of this site relates to this being one of the best-preserved examples of an inter-war airfield, developed after the First World War at a time when technological advances in aircraft led to a need for different philosophies in military architecture and urban planning, led by Sir Hugh Trenchard (founder of the RAF).

- 9.39. The Conservation Area Appraisal describes the military base at RAF Bicester as '*the quintessential airfield of its age; almost better than any other site it typifies the public perception of the World War II airfield*'. It goes on to say '*The character of RAF Bicester is unified by its function as a military station. There were principles underpinning the planning of airfields in the first half of the 20th century and these are key determinants of the character that remains today*'. English Heritage (now Historic England) also states that '*RAF Bicester retains, better than any other military airbase in Britain, the layout and fabric relating to pre-1930s military aviation.....With West Raynham in Norfolk it comprises the best-preserved bomber airfield dating from the period up to 1945....it also comprises the best preserved and most strongly representative of the bomber stations built as part of Sir Hugh Trenchard's 1920's Home Defence Expansion Scheme*'.
- 9.40. The base was designated a Conservation Area in 2002, its primary architectural and social historic interest being its interwar design, layout and use. The nature of the site is defined by the historic landscape character of distinct zones; the domestic site (to the west of Buckingham Road), the technical site and the flying field (to the east of Buckingham Road). The layout of the site is built to a 'trident' pattern – with 3 arms branching out from a central axis creating avenues. The location of buildings was deliberately spacious so that if any buildings were ever bombed other buildings may be preserved. The Conservation Area designation acknowledges the special architectural interest, and as a Conservation Area, the character of which it is desirable to preserve or enhance and provides the context and framework to ensure the setting and appearance of sections of the military landscape are preserved.
- 9.41. It is in recognition of the significance of the site in the national context that Policy Bicester 8 of the Cherwell Local Plan requires a 'conservation-led' approach to the development to be taken. Policy ESD15 of the Local Plan also requires developments to conserve, sustain and enhance designated and non-designated heritage assets and their settings.
- 9.42. The proposed site is located on the edge of the airfield (beyond the perimeter track) in the northwest corner of the site. This area was originally part of a network of access roads and 'panhandles' used to store aircraft in a dispersed manner. Originally, the dispersal areas would have extended far beyond the current site. The expansion of Bicester for residential development and the re-alignment of Skimmingdish Lane to the south and the use of the adjacent site as a quarry has dissected the panhandles and significantly reduced the overall size of the airfield.
- 9.43. It should be noted that your officers raised concerns regarding some smaller pavilion buildings that were proposed along the norther edge of the flying field. Although the buildings were small scale, it was considered that conjunction with other development to the north, it would result in a sense of enclosure around the airfield. Without a clear explanation justifying why the buildings were necessary to the development and an explanation why the use couldn't be accommodated elsewhere, they were considered an unnecessary addition. The applicant has agreed to remove this element of the proposal and the plans have been amended to reflect this.
- 9.44. In terms of considering the visual impacts of the proposed development on the character and appearance of the Conservation Area, consideration needs to be given to views of the proposal from within the Conservation Area itself and the impact on current views into the Conservation Area.
- 9.45. Due to the openness of the airfield, there will be clear views of the proposal from within the Conservation Area; these views will be across the airfield and from the technical site. The height parameters have been set to ensure the buildings would not appear overly dominant within the context of the historic buildings on the site, this will ensure

the hangar buildings remain the dominant feature facing on to the flying field. Design of the buildings can be carefully considered to ensure the new buildings are easily read as new additions to the site.

9.46. Historic England have raised an objection to the application and state '*The proposals would cause a significant level of harm to this exceedingly rare and important bomber training airbase and important features of the site are proposed for harmful change. The careful conservation of its many features and structures are required through policy Bicester 8 and the harm posed by the development demands both clear minimisation of harm and strong justification for any harm being caused. Stated aims in the application are for a sustainable future and a unified site together with preservation and enhancement of assets, yet these benefits are ill-defined and there is no clear mechanism for their delivery. We acknowledge and support the excellent, sensitive conservation that has been done at the technical site and hope that a scheme can be reached that achieves a similar level of high-quality conservation for the flying field and other structures at the base*'.

9.47. Historic England state harm would occur in the following ways:

- 1) *The development of the area to the north would remove the overrun area, which was an important safety feature at the base that allowed space for take offs to be aborted or landings to over-run. This area is defined as an integral part of the flying field Conservation Area Appraisal 2008 (Figure 12) and the Bicester Planning Brief 2009 (Fig 2).*
- 2) *The open and unencumbered character of the flying field is a key characteristic defined in the conservation area and building outside the perimeter track would seriously erode that. As well as contribution to the sense that RAF Bicester is a time capsule, that visiting is the closest you can get to experiencing what it was like to be at an airbase during the 30s or the Second World War, this open nature helps explain how the site was used. Heavily laden bombers would need a clear approach to take off and land in, unencumbered by buildings. The isolated nature of the site not only reflected the dangerous nature of flying bombers, which meant that they were best kept way from centres of population, but also reflected the need to place these bases away from towns to make them more difficult for the enemy to find.*
- 3) *Finally, the bombers would taxi to and from the panhandles to the runway on the perimeter track with the wheels on the track and the large wings greatly overhanging this. If the perimeter track is altered by bunds or other upstanding barriers or features its original function becomes much more difficult to understand.*

9.48. Your officers accept that any development on the site, will by its nature change the character of the Conservation Area and is therefore harmful to some extent. However, the designation of a Conservation Area does not serve to prevent any changes within the area but is there to ensure any changes maintain and enhance character and appearance. The principle of change is established by the Local Plan which allocates the whole the flying field and technical site for significant development whilst maintaining and enhancing the Conservation Area's character and appearance. Some small parts of which have subsequently been approved (the hotel and FAST Quarter employment development).

9.49. When considering 'harm' to an historic asset, the NPPF provides different approaches for considering 'substantial harm' and 'less than substantial harm'. On this matter, both Historic England and the Council's Conservation Officer agree that the proposals constitute 'less than substantial harm' and therefore should be considered in accordance with the tests set out in paragraph 202 of the NPPF. They have both

concluded that the 'heritage' benefits of the scheme do not in themselves outweigh the harm, which they both consider to be significant (and HE towards the higher end of the scale). However, as conservation specialists it is not within their remit to consider other public benefits that the Local Planning Authority may consider to be a benefit.

9.50. Policy ESD15 of the Cherwell Local Plan 2031 requires development proposals that harm the significance of a heritage asset to meet the tests set out in the NPPF.

9.51. Paragraph 202 of the NPPF states '*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*'.

9.52. In their submission the applicant set out the primary public benefits of the scheme to be economic benefits. The applicant has commissioned an economic impact study, with the executive summary demonstrating that:

- The total economic impact of Bicester Motion is estimated to be over £6.7 million with 126 jobs supported in the UK economy (April 2019 – March 2020) 8
- The direct economic impact exceeds one million pounds (£1,121,593) with 20 jobs supported
- Close to a million pounds (£968,630) was spent on purchasing goods and services of which nearly half was sourced locally within 20 miles
- The economic impact of Bicester Motion's procurement is approximately £790,189 with 15 jobs supported in the UK economy
- The economic impact of the staff expenditure is estimated to be £471,246 with 8 jobs supported in the UK economy
- It is projected Bicester Motion welcomed over 100,000 visitors and they spend close to £3.75 million. The estimated visitor expenditure generates an economic impact of £4.32 million with 83 jobs supported in the UK economy
- The Experience Quarter is projected to generate the following contributions:
 - The economic impact by the proposed construction expenditure is £44 million with close to 600 jobs supported in the UK economy
 - The economic impact by estimated visitor expenditure is nearly £17 million with 322 jobs supported in the UK economy

9.53. In addition to this, the applicant also suggested the following to be public benefits and heritage benefits of the proposal.

Public Benefits:

- The proposal will contribute to the delivery of the Council's objectives including sustainable economic growth;
- Contribute to achieving a long-term commercially successful future for the wider site;
- Contribute to repurposing the perimeter track and finding a new and long-term sustainable use for the airfield;
- Deliver substantial economic benefits to the town of Bicester and wider District;
- The proposed development will contribute to the success of Oxfordshire, which is a globally renowned region with a strong and diverse economy. This is demonstrated by the following key economic facts:
 - £22bn GVA is generated by Oxfordshire for the UK economy each year - having grown by 47% (£7.3bn) between 2006 and 2016;
 - Oxford University is ranked 1st in the Times Higher Education global rankings – approximately 14 miles from the site;
 - Oxfordshire is 1 of 3 net contributors to the UK exchequer;
 - 1,500 high-technology firms are located in Oxfordshire;

- Oxfordshire includes one of the largest life sciences clusters in Europe and the highest concentration of science research facilities in western Europe;
- 30 million people visit Oxfordshire each year;
- 40,000 new private sector jobs have been created in the wider LEP area since 2011.
- Bicester itself is well-located to capitalise on Oxfordshire's success and other wider initiatives that will bring economic benefits to the town, including the following:
 - Local infrastructure funding;
 - The Cambridge – Milton Keynes – Oxford corridor and associated projects will increase the GVA of the area from £163bn to £250bn;
 - The Economic Development Strategy for Cherwell recognises that Bicester is provided with the opportunity to become a location for high value and knowledge-based business;
 - East-west rail will provide enhanced public transport connectivity for Bicester;
 - Improvements have been made to rail connectivity and these continue;
- Bicester is identified as an eco-town; and Growth in the housing stock at Bicester and a need to provide highly skilled employment opportunities.
- Provide public access to an otherwise closed and inaccessible site enabling understanding of this historic area;
- Develop an underutilised Previously Developed Site; and
- Deliver heritage benefits (which are public benefits) associated with the proposal.

Heritage benefits:

- Offering new ways of experiencing the airfield and ability for the public to see aviation taking place on the airfield
- Repurposing the historic perimeter track by giving it a new purpose that showcases the relationship between track and buildings on the Technical Site, thereby aiding public understanding of the workings of a wartime airfield;
- Sustaining the physical evidence of the panhandle areas and therefore enhancing understanding of the wider dispersal strategy that characterised later development of the airfield;
- Reinstating an historic dispersal route thereby opening up and enhancing views of the airfield
- Retaining and enhancing the continued use of the grass runways for aviation;
- Creating new views across the flying field, which express its open character and large scale;
- Ensuring the heritage assets are not fragmented any further, focusing on the preservation and enhancement of the historical and visual interdependence;
- Improving public access to the site, both physical and intellectual;
- Preserving the significance of the adjacent listed buildings and scheduled monuments by improving access;
- Providing new opportunities for the interpretation and enhancement of the memories associated with the site;
- Creating new experiences that derive from the site's history of innovation and experiment, with the potential to add new chapters to the history of the place, which in turn will be valued by society; and
- Ensuring that present and future generations can learn from and enjoy this component of our historic environment.

9.54. Whilst it is acknowledged the suggested heritage benefits are not easily measurable (i.e., the direct reinvestment of funds in a specific heritage project), they do demonstrate the scheme is having consideration for the management of the wider site.

- 9.55. It is the Local Planning Authorities role to consider all of the 'public benefits' when applying the test of paragraph 202 of the NPPF not just the heritage benefits and also the need to 'secure the optimum viable use'. The Conservation Area encompasses the technical site and the flying field, both of which are in private ownership and require management to maintain them. This includes the maintenance of buildings and structures; landscape management and management of the active airfield. Therefore, there has to be some acknowledgement that development at the site will contribute to its overall viable use. To date the applicant has a very good track record of maintaining the site to a high standard which itself has a positive impact on the heritage setting.
- 9.56. The proposals will offer significant benefits to the district and the region in terms of tourism and economic growth. The proposal will provide business uses creating jobs and supporting the local economy. It also hopes to attract a significant number of visitors, who will be able to stay overnight once the hotel is constructed and contribute to local economy through increased spending in the areas. The site owners also have a track record of supporting high quality apprenticeship schemes on the existing technical site.
- 9.57. The Council's Economic Growth Officer supports the development in terms of the economic benefits that it could bring to the area. The proposal is expected to generate value in two main areas; construction expenditure (and associated job creation) and visitor expenditure (and associated job creation).
- 9.58. When considering the proposal against the test set out in paragraph 202 of the NPPF, it is considered that the aggregation of the public benefits of the scheme would outweigh the significant 'less than substantial harm' caused by the proposal to the general openness of a part of the airfield heritage asset. The economic and tourism benefits meet with the Council's Strategic Priority as a 'District of opportunity and growth' and the key action to 'increase tourism and increase employment at strategic sites'.
- 9.59. With regards to specific design issues, these will be dealt with during the reserved matters application. However, the architectural style of the buildings can be carefully considered to ensure they are understood as a new yet complementary addition to the site rather than confusing the historic context; in this location the site would be capable of adopting a modern architectural style that takes references from the historic architecture rather than trying to replicate it.

Listed Buildings

- 9.60. The listed buildings on the site are clustered within the technical site, with the majority of the original buildings having a listed status including the hangars that form the 'waterfront' facing onto the airfield.
- 9.61. There will be points where the new buildings could be viewed within the context of the technical site (and the listed buildings) but these would be longer distance views with the approved new hotel in the intervening foreground.
- 9.62. It is considered that with careful design, the proposed buildings could be developed without causing significant harm to the setting of the listed buildings. Any harm would be less than substantial and therefore fall under the test set out in paragraph 202 of the NPPF. As set out when considering impact on the Conservation Area, there are public benefits of the scheme that would outweigh this limited harm.

Archaeology

- 9.63. The County Council Archaeologist has raised an objection to the proposal and has request trial trenching take place before a decision is issued.

- 9.64. The applicant had advised that they did engage with the County Council archaeologist prior to the submission of the application following a desk-based study that was undertaken at the site. They believed that this matter could be dealt with by way of a pre-commencement condition, however, this is not possible. When issuing a decision, the Local Planning Authority need to be assured that the principal of development is acceptable and if any archaeological mitigation is required, we need assurances that can be carried out before a decision is issued.
- 9.65. Due to the nature of the site (a former RAF base) there is the potential for the presence of unexploded ordnance close to the airfield and therefore the work will require the closure of the airfield for the duration. Given the additional cost this will endure to the applicant, they have requested they be allowed to undertake the work post-committee resolution but prior to the issuing of a consent. In the context of the obligation upon the Council as the Local Planning Authority to approach decisions on proposed development in a positive and creative way, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area, your officers consider it reasonable to agree this approach. We would retain the ability to return the application to committee should the outcome of the archaeological investigation warrant a change to the recommendation (this has been captured in the formal recommendation).

Conclusion

- 9.66. The proposed addition of new building(s) in the northwest corner of the airfield, the repurposing of the perimeter airfield track and the laying of new tracks are considered to cause less than substantial to the designated heritage assets; these being a range of Listed Buildings and the RAF Bicester Conservation Area. Paragraph 202 of the NPPF requires this harm to be *'weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 9.67. It is acknowledged that high quality, good design will be essential in terms of reducing the level of potential harm and mitigating any impacts. At the reserved matters stage the design will need to be held up to high levels of scrutiny, but officers are convinced that a suitable design option is entirely possible. The site would be capable of accommodating a high quality contemporary development that ensures this phase of development reads as a new addition to the site history. Furthermore, the applicant has demonstrated the ability to deliver high quality design on the existing site.
- 9.68. In conclusion, the public benefits of the scheme are considered to outweigh the 'less than substantial harm' and therefore the test set out in paragraph 202 of the NPPF is met.

Landscape and visual impact

- 9.69. Policy ESD13 of the Cherwell Local Plan 2031 states *'Opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows.'*

Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. 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*
- *Impact on areas judged to have a high level of tranquillity*

- *Harm the setting of settlements, buildings, structures or other landmark features, or*
- *Harm the historic value of the landscape*

9.70. The openness of the airfield at Bicester Heritage is one of the distinctive features of the site and significantly contributes to the overall character of the site. Consideration needs to be given to the landscape and visual impact of the proposal both from within the site and the wider area. There are no statutory landscape designations at the site, but careful consideration needs to be given to the character of the Conservation Area and the historic landscape.

9.71. The application has been submitted with a Landscape Character and Visual Impact Assessment. The report has resulted from a process of desktop study, site appraisal and analysis (based on current guidelines). The report addresses the landscape and visual impact of the development on the site itself, on the wider setting of the former RAF Bicester, and the wider landscape.

9.72. In terms of the openness of the airfield, the site is deliberately chosen as it is set back beyond the perimeter track and the flying field. Given the backdrop of established landscaping, the report concludes *'The openness of the airfield will not be harmed by this development that is located within its own discrete peripheral area, well outside the perimeter track. Neither will the EQ buildings compete in mass or scale with the distinctive large and imposing hanger buildings of the Technical Site or other heritage features that add to the special character and interest of this important historic site'*. It should be noted that impact on the character of the Conservation Area and impact on heritage has been assessed in detail in the section above.

9.73. It is considered that the former RAF Bicester Site does have some capacity to absorb some change, this is reflected in its allocation under Policy Bicester 8 of the Cherwell Local Plan. The location of the application site would mean that any development could be clearly read as an addition to the site without overwhelming or detracting from the historic character of the site. The proposed uses and the scale of the buildings proposed, are not considered to be inappropriate.

9.74. Policy ESD13 of the Cherwell Local Plan seeks to protect the unique character of landscapes within the district, but it is not intended to prevent change. The proposal would sit within the context of other buildings on the site and appropriate landscaping can be effectively used to mitigate the longer term visual impacts.

9.75. The Council's Landscape Officer has reviewed the Landscape and Visual Impact Assessment, providing comments throughout the pre-application process and reviewing the final submission. No objections have been raised in relation to the methodology or the conclusions; comments provided at the pre-application stage have been incorporated within the final submission.

9.76. As is being highlighted throughout this report, the importance of design is recognised in the applicant's Landscape and Visual Impact Assessment which states *'there will need to be a strong emphasis on the evolving design on the continued collaboration of landscape, heritage and biodiversity (and other) expertise to ensure that the amenity, heritage and ecological values are maximised and harm to sensitive receptors minimised'*.

9.77. Your officers consider that the development can be designed to sit sensitively within its setting and design can be used to mitigate landscape impacts. At the reserved matters stage the applicant will need to supply full design and landscaping details which can be fully considered. The applicant will need to clearly set out the design

approach and demonstrate how the constraints (such as heritage and landscape impact) have been considered during the design process.

Highway safety – connectivity and access

Accessibility

9.78. Initial objections were raised by the Local Highway Authority regarding the accessibility of the site and lack of improvement to Public Rights of Way. The Local Highways Authority commented that:

- The application fails to demonstrate that safe and suitable access will be provided for all users as required under the NPPF.
 - Vehicle tracking is required to demonstrate the safety and suitability of the proposed access arrangements.
 - Further information is required of the nature of the proposed use of the secondary Experience Centre access from Bicester Road to demonstrate the arrangements are suitable.
 - The proposed facilities for pedestrian and cycle access to the Brand Experience Centre are substandard and are lacking entirely for access to the lake
- OCC Public Rights of Way raise an objection on the basis that the proposals do not make provision for improved public rights of way or public access within the site.

9.79. It is important that the site is accessible not only but private motor vehicle, but accessible for pedestrians (with good links to local public transport) and the wider pedestrian/cycle links in Bicester to link it up with residential areas and other leisure-based areas such as Bicester Village and the Town Centre.

9.80. The Bicester Bike User Group (BBUG) submitted detailed representations regarding highway matters and raising concerns/issues with the proposed scheme. The Local Highway Authority was made aware of this representation and asked to consider it as part of any further response they issued.

9.81. Following ongoing discussions and the submission of further information, including a walking and cycling note, the Local Highway Authority have now withdrawn their objection. The Local Highway Authority commented that:

“The EQ development must provide safe and suitable access for all users who will be making use of the development.

Given the likely level of usage, the proposal to provide a direct and continuous internal walking and cycling route to the EQ site from the Hotel access on Buckingham Road, is, while providing no public benefit, acceptable for providing access for the site's visitors. This is provided that a planning condition is applied to any consent detailing the width, availability and lighting standards of the pedestrian and cycle route to ensure that the route is accessible to visitors at all necessary times and is of a suitable standard.

This standard of route would accord to minimum required standards as set out in the LTN 1/20 which specifies that, where usage is below certain thresholds, shared use facilities can be adequate.

Similarly, the proposal to access the lake area of the development through internal routes, which must be available for all users wishing to access that area at all times, is appropriate. Again, provided that there is a suitably worded planning condition applied to any planning permission to secure this provision. See additional public access comments below.

In light of these details, which were not provided with the initial application, I can remove the objection based on pedestrian and cycle access to the site”.

Access

- 9.82. Following the submission of additional information, the Local Highway Authority is satisfied with the access provision provided conditions are included with any approval. They state:

‘A swept path analysis has been submitted which demonstrates that a 12m rigid vehicle would be able to safely enter and exit via the two access junctions. However, it is unclear whether any larger vehicles (e.g. refuse vehicles) could be accommodated these junctions, the vehicle tracking is fairly tight at the primary access junction. The note states that a 12m rigid vehicle is expected to be the largest vehicle required to access the site, so it is assumed that refuse collections from Bicester Motion will be using smaller than average refuse vehicles. A planning condition is requested to ensure that the detailed layout of the primary access junction is agreed prior to commencement of development. The note sets out that the secondary access will be required to accommodate large vehicles and will be the primary access junction for servicing requirements. Reinstatement and upgrades to this junction will be required. A planning condition is recommended to ensure that the detail of the layout and upgrades required are agreed prior to commencement of works on the site’.

- 9.83. The requested conditions have been included within the recommendation.

Public Rights of Way

- 9.84. The County Council have provided the following advice with regards to Public Rights of Way:

‘The note states that it is the intention of Bicester Motion to provide interconnectivity and public access across the site (although it is accepted that there are areas where this will need to be controlled). However, there are still no details of how or where routes will be provided, including how safe access to the lake will be provided for, how these routes are to be secured through planning, nor how the routes will interconnect within the site and to existing Public Rights of Way.

There have been a number of outline applications submitted recently across the Bicester Motion site and none of these have provided any indication of how public access within and between the various sites is to be provided, managed or maintained. The EQ development site covers the largest area of any outline application submitted thus far on the Bicester Motion site and also includes areas where public access would be expected to be provided for (particularly including the lake area).

I recommend that a planning condition is applied to any planning permission which requires the submission of details of public access routes through the EQ site, including connections with existing Public Rights of Way and safe public access to the lake area of the development’.

- 9.85. The wider Bicester Motion site offers lots of potential for improved public access and interconnectivity across the site. However, it must also be noted that the flying field is an active airfield (where health and safety issues will be a priority) and other parts of the site contain high value businesses where security is important. Therefore, when improving public access to and across the site, this will need to be balanced with the owners need for security and the requirement to ensure any access/routes are safe for all users. The recommended condition has been included to enable this matter to be pursued in more detail and considered with the submission of reserved matters.

Ecology Impact

Legislative context

- 9.86. 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.
- 9.87. 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.
- 9.88. 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.
- 9.89. 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.
- 9.90. 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, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.91. Paragraph 174 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.

- 9.92. Paragraph 180 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.
- 9.93. Paragraph 185 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.
- 9.94. 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.
- 9.95. 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.
- 9.96. Policy Bicester 8 states “*The biodiversity of the site should be protected and enhanced and habitats and species surveys (including a Great Crested Newt survey) should be undertaken*”.
- 9.97. 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.
- 9.98. 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

- 9.99. 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')

9.100. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is within a Local Wildlife Site and there are a number of mature trees/hedgerows within and adjacent the site, and therefore the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.101. 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.

9.102. 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.

9.103. The submitted ecological report concludes that *'the ecological survey work undertaken at the Site has informed emerging masterplan proposals for the wider site, as well as the Experience Quarter Site. Appropriate principles and measures have been identified to avoid impacts where possible, and otherwise to guide appropriate mitigation and enhancement opportunities which may be implemented at a detailed stage of planning. As such, it is considered that the emerging Experience Quarter proposals may offer long term enhancements for biodiversity over the existing situation'*.

9.104. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and 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.

Assessment – Impact on Biodiversity

9.105. Policy ESD 10 of the Cherwell Local Plan seeks to protect and enhance the natural environment by a number of measures. One requirement is *'in considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources'*.

9.106. There has been disagreement between the applicant and consultees regarding the use of the Warwickshire Biodiversity Calculator which is a tool used for assessing biodiversity net gain. Recent guidance released by DEFRA does now recommend the use of the Defra 3.0 metric, however, the Bicester Motion site has a long history and pre-applications discussions regarding ecology pre-date the latest advice.

9.107. The Warwickshire Metric has been consistently used to assess previous applications on the site (Hotel, New technical site and Innovation Quarter site) as well as to provide a wider site overview. The continued use of the Warwickshire metric for

this application is supported by the Council's Ecology officer as it provides continuity with the other applications and will not undermine the assessment of ecological impact at this stage.

- 9.108. The Council's Ecology officer is satisfied that the required 10% net biodiversity gain can be achieved on the site. The applicant owns a large proportion of the land surrounding the application site and this offers opportunity for a range of biodiversity enhancements.

Assessment – Impact on Local Wildlife Site

- 9.109. The submitted Ecology Note (Dec 2021) brings together information previously submitted within the application and adds some additional context to the proposals. With regards to impact on the Local Wildlife Site (LWS) the proposal would result in the loss of some Calcareous Grassland which forms part of the LWS. This is due to the location of the proposed development in the area beyond the perimeter track of the airfield.

- 9.110. As part of the application, the Local Planning Authority has to consider all of the material planning considerations when determining the application. From a purely ecological perspective, the perimeter area of the airfield would not be the optimum location for development, however, siting the development in less ecological sensitive area such as the centre of the airfield would cause concerns with regard to impact on heritage and aviation. The built elements of the Experience Quarter proposals would be limited to only a small part at the western end of the airfield, opposite the Caversfield residential area and alongside the approved hotel site.

- 9.111. The proposals put forward in this application seek to compensate for the loss of the calcareous grassland and impact on the LWS through suitable ecological mitigation. These proposals have been scrutinised by the Council's Ecology Officer who is satisfied that appropriate mitigation can be achieved on the site. Therefore, it is accepted the proposed development can be situated in the location proposed.

Conclusion

- 9.112. In short, the Council's Ecologist accepts the position that the proposal would not result in a loss of biodiversity overall. The Council aims to seek a net gain of 10% of the original biodiversity value and it is accepted that the information submitted by the applicant demonstrates the ability to achieve this.

Residential Amenity

- 9.113. Paragraph 130 of the National Planning Policy Framework includes, as a core planning principle, a requirement that planning should have a '*high standard of amenity for all existing and future users*'. This is reflected in Policy ESD 15 of the Cherwell Local Plan 2031, which states that '*new development proposals should: consider the amenity of both existing and future development, including matters of privacy, outlook, natural light, ventilation, and indoor and outdoor space*'.

- 9.114. The application site is situated in the northeast corner of the flying field but includes the re-purposing of the perimeter track and the installation of additional tracks across the flying field. The proposed nature of the development means that these will be utilised for the driving of vehicles for demonstration purposes or specially designed driver experiences.

- 9.115. There are residential properties to the east of Buckingham Road and south of Skimmingdish Lane, with the village of Stratton Audley to the northwest of the site. Potential impact upon these residential properties needs to be carefully considered.

9.116. It is noted that a significant number of objections with the majority received from addresses within the residential areas close to the site. With regards to points relating to amenity, the objections focus on the following key points:

- Existing noise from vehicles using the site
- Existing noise from aviation use of the flying field
- Noise from the proposed use of the tracks
- Disturbance during construction works

9.117. With regards to noise from aviation uses at the site, the site is an historic airfield which is still in active use. It is acknowledged that since the gliding club chose to vacate the site, the type of aircraft has changed. However, use and management of the airfield for aviation purposes is outside of the control of the Local Planning Authority, as such the LPA cannot restrict the level of use or type of aircraft that utilise the airfield.

9.118. The proposal will include the re-purposing of the perimeter track and the introduction of new vehicle tracks. The submitted noise report does indicate that for the older, noisier vehicles there would be a low to moderate impact on the nearby residential properties. The Council's Environmental Protection officer has advised that with correct mitigation this could be reduced to a low impact as defined by the National Planning Policy Framework.

9.119. Furthermore, the Council's Environmental Protection officer has advised that the correct management of this scheme has the potential to improve the current situation which is unregulated. A comprehensive noise management plan will be required to be agreed as a condition. The plan should consider the number of days of activity, hours of use, absolute noise limits (and processes for responding to this) and communications with the local community. The condition will also require a review mechanism to be built in to ensure the noise management plan can be adapted if issues arise once in operation.

9.120. In addition to a noise management plan, the applicants are proposing the use of a noise monitoring system (SPL Track Driver by System). A condition is recommended prohibiting the use of the tracks without this system being in place and operational. Should an alternative supplier be used, it will require agreement in writing from the LPA prior to installation and use of the tracks to ensure a system of an equivalent standard is installed.

9.121. The Council's Environmental Protection Officer is satisfied that the proposed measured will be sufficient to manage the noise levels at the site and this should not have a detrimental impact on residential amenity.

9.122. Some objections have raised concerns regarding the noise data used in the impact assessment, however, officers must be guided by the advice received from relevant consultees on this matter. Given the advice of the Council's EPO, your officers considered it would be difficult to sustain a reason for refusal at appeal based on potential noise impacts.

9.123. The submission of a Construction Environment Management Plan (CEMP) will be required. This document should detail working hours etc. to minimise disruption during construction.

Impact on aviation

9.124. The wider Bicester Motion site includes the flying field which is an active airfield which is operated by the Bicester Aerodrome Company. The site was previously operated by a local gliding club who have now vacated the site. Although the decision

of the gliding club to vacate the site is disappointing, the management and operation of the airfield is outside of the control of the Local Planning Authority.

- 9.125. Policy Bicester 8 of the Cherwell Local Plan 2031 supports the continuation of gliding use (this was the predominant aviation activity on the site at the time the local plan was produced). As such, officers support proposals that would allow for the continuation of general aviation use at the site because this will retain the active airfield which reflects the history of the site.
- 9.126. At the pre-application stage, the Local Planning Authority commissioned an independent aviation specialist to consider the impact of the proposed experience quarter. The location, proposed height and developable areas identified have not changed from that proposed at the pre-application stage, therefore the report is still considered to be relevant and reliable.
- 9.127. The advice received suggests that with appropriate footprints that avoid areas along the flight paths, the buildings should be able to sit comfortably alongside without compromising the safe or efficient operation of the airfield in accordance with the proposed amended runway layout. The proposals show a gap to the side of the proposed experience quarter building(s) which would provide a safe runoff area should aircraft be required to abort a take-off. In combination with the slight realignment of the runways, this should provide adequately for the safety and efficiency of aviation operations at the site.
- 9.128. At the reserved matters stage, the applicant will need to demonstrate that the design of the building(s) has taken account of aviation safety criteria and will not impede on the safe use of the flying field. Your officers are satisfied that the indicative layout demonstrates the ability for the building(s) to be located in such a manner that a conflict with aviation activity can be avoided, therefore allowing for a continuation of aviation at the site.

Flood risk and drainage

- 9.129. The application site is located within Flood Zone 1 which means it is at low risk of flooding from fluvial, tidal or groundwater flood events. However, Policy Bicester 8 requires development proposals to consider the Council's Strategic Flood Risk Assessment and as the proposal is a major development, the application has been supported by a Flood Risk Assessment. A flood risk and drainage assessment report has been submitted with the application.
- 9.130. In terms of surface water runoff, the report concludes this *'should be managed using Sustainable Urban Drainage Systems (SuDS) as these will not only manage surface water run-off, but also offer benefits in pollution prevention creating and sustaining better places for people and nature. SuDS systems identified to manage the surface water run-off from the Bicester Motion development have been detailed on the outline drainage strategy drawing provided in Appendix D. The local geology (cornbrash formation) suggests there is a high potential for infiltration which greatly benefits use of the SuDS systems. Infiltration testing undertaken as part of the site investigation for Command Works identified that soakage systems are a suitable means of surface water disposal, subject to groundwater levels. Infiltration testing, groundwater monitoring and contamination testing are required to validate the feasibility of using infiltration techniques'*.
- 9.131. Oxfordshire County Council as the Local Lead Flood Authority have assessed the information and initially raised an objection on the basis that insufficient data has been submitted to support the conclusions reached in the report. The objection related to

purely technical matters that were subsequently overcome and the objection was withdrawn, rather than an in principal objection to development on the site.

9.132. The applicant is currently working to resolve the matter with the LLFA and anticipate this will be concluded prior to the committee meeting. Members will be provided with an update at committee.

Environmental impacts

9.133. The proposals have been submitted with a Phase 1 Land Contamination and ground Condition Report which concludes that that the application site is of low risk from contaminants, and it is unlikely that ground conditions or potential pollutant sources would have any significant impact on industrial or commercial development and the associated receptors identified.

9.134. The Council's Environmental Protection Officer has confirmed that he is satisfied with the findings of the Phase 1 report and its recommendations that the majority of the site is safe for this type of development.

9.135. Recommendations relating to the need for a Phase 2 study relating to the quarry site are beyond the remit of this application; the quarry site has been removed from the application and is now outside of the application site area.

9.136. Conditions have been recommended to ensure that any mitigation and recommendations associated with the application site are carried out and to ensure that any unsuspected contamination found during construction is dealt with appropriately.

9.137. With regard to air quality, it should be noted that the Council's Environmental Protection officers have requested conditions requiring an air quality impact assessment and, if necessary, a mitigation strategy. Although these types of conditions have not been applied on other recently permitted developments at the Bicester Motion site, I do consider this to be appropriate given the nature of the proposal and the associated motor vehicle use within the site.

Energy efficiency

9.138. Policies ESD1-5 of the Cherwell Local Plan 2031 require development proposals to mitigate the impacts of climate change by providing a reduction in carbon emissions through sustainable construction by using decentralised energy systems and renewable energy.

9.139. An energy and design strategy has been submitted with the application. The strategy concludes *that 'to adhere to the overarching energy efficient and sustainable objectives of this development, this report has highlighted a series of design considerations to minimise energy use and carbon emissions on site'*. It focuses on three points:

- Lean: A minimisation of energy loss through the buildings design
- Clean: Consideration of a district heating system to serve the proposed building(s)
- Green: A low carbon feasibility study has highlighted appropriate technologies that can be considered for the experience quarter based on estimated energy use.

9.140. As the application is submitted in outline with all matters reserved except for access, and given the heritage constraints of the site, it is acceptable for the final specifications to be dealt with at the reserved matters stage when full design details are considered.

9.141. It should be noted that, whilst it is clearly important to ensure compliance with Policies ESD1-5, the energy proposals will need to be balanced against the heritage context of the development to ensure that all proposals are appropriate to its surroundings and will not adversely impact on the heritage assets. As noted above, the site is sensitive in heritage terms and design will play a key role in ensuring the buildings are appropriate for the setting, therefore any energy proposals that impact on the external appearance of the buildings will need to be carefully considered.

9.142. It is positive to see that the applicant is committed to the consideration of energy efficient design and technology sufficient to meet the required BREEAM 'Very Good' standard, enabling this to be considered as part of the overall evolution of the design of the building, should they be approved.

Planning Obligations

9.143. OCC Highways have requested the following Section 106 contributions on the grounds they are necessary to fund improvements to the local transport network, to mitigate the traffic and transport impacts of the development:

- Highway works 1 (Upgrade to the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction) – TBC
- Highway works 2 – (Improved connections between the site, Bicester's train stations and the town centre) - £386,098
- Strategic Transport Contribution – (Dualling of eastern perimeter route, Skimmingdish Lane section) - £283,201
- Public Transport services – (Bus failure payment) - £900,000
- Traffic Regulation Order (if not dealt with under S278/S38 agreement) - £6,380
- Travel Plan Monitoring Fee - £2,379
- An obligation to enter into a Section 278 agreement

9.144. The applicant has submitted a detailed legal note disputing the public transport contribution that has been sought. They argue that the requested contribution for the bus route is not a material consideration. However, if it is a material consideration, it fails to meet the requirements of Regulation 122.

9.145. The County Council has also set out a detailed justification for this request and of the calculation used to determine the financial contribution. OCC considers that all of these contributions are required in order to make the development acceptable in planning terms and that they are all justified and compliant with CIL Regulation 122.

9.146. The County Council's argument in terms of the need to ensure continued, reliable and accessible public transport provision for the development is considered to be sound. However, the request focusses on the maintenance of a specific bus route, which albeit at the moment is the best option to access the site, rather than a general need for public transport provision at the site.

9.147. The contribution sought would only be payable in the event that the current public transport provision (currently the X5 service) ceases to be viable due to expectation that service users will opt to use East West Rail (EWR) as their preferred transportation. If this occurs, EWR will provide a viable route for the public to easily access Bicester from Milton Keynes/Bedford and therefore, the missing link would be the Bicester Town Centre to site part of the route.

9.148. Therefore, your officers consider that whilst a public transport bond or contribution may be justified, it should be calculated on the potential provision of a local service rather than being directly linked to the X5 bus service. As this matter will be dealt with as part of the Section 106 agreement, officers are confident that this issue could be

resolved post-committee between the two parties. If a resolution cannot be agreed, the application could be returned to committee.

9.149. A contribution for the s106 monitoring of the site to ensure compliance is also required.

10. PLANNING BALANCE AND CONCLUSION

10.1. Achieving sustainable development comprises of three objectives; an economic objective, a social objective and an environmental objective. The objectives need to be balanced to ensure they can be pursued in a mutual supportive way.

10.2. The application proposes the provision of additional commercial and tourism development that will support the local economy and create additional jobs, providing an economic benefit thereby meeting the economic objective. It is anticipated that the development will create a well-designed and safe place for employees and visitors, allowing some access to this part of the historic site and the scheduled monuments. The creation of employment development contributes to creating vibrant communities thereby meeting the social objective. The buildings can be designed to ensure they meet the required energy efficiency standard. The proposal would respect the historic and natural environmental context of the site, providing mitigation and enhancement where required thereby meeting the environmental objective. Therefore, the development is considered to constitute 'sustainable development'.

10.3. Whilst it is acknowledged that the proposal is considered to cause less than substantial harm to the heritage assets at the site, this is considered to be outweighed by the public benefits derived from the proposal in terms of finding an economically viable use for this part of the site, providing many economic benefits to Bicester and allowing access to the site to enable the historic nature to be better appreciated.

10.4. The application site is an allocated site under Policy Bicester 8 of the Cherwell Local Plan. The proposal, including the uses applied for, complies with the details of the allocation.

10.5. As set out in the assessment above, the proposal is not considered to cause harm to residential amenity, highway safety (subject to infrastructure works and financial contributions), the wider landscape setting of the site, ecology, or contaminated land.

10.6. The proposal is therefore considered to comply with the relevant policies of the Development Plan set out in the report, specifically Policy Bicester 8 and the National Planning Policy Framework, and permission should be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

(i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY);

(ii) THE COMPLETION OF ARCHAEOLOGICAL TRIAL TRENCHING AND RECORDING,

(iii) PUBLIC TRANSPORT MATTERS (INCLUDING ENSURING REQUIRED CONNECTIVITY OF SERVICES); AND

(iv) 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 FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- Highway works 1 (Upgrade to the B4100 Banbury Road / A4095 Southwold Lane / A4095 Lords Lane roundabout junction) – TBC
- Highway works 2 – (Improved connections between the site, Bicester’s train stations and the town centre) - £386,098
- Strategic Transport Contribution – (Dualling of eastern perimeter route, Skimmingdish Lane section) - £283,201
- Public Transport services – (Bus failure payment) – TBC (following further negotiations)
- Traffic Regulation Order (if not dealt with under S278/S38 agreement) - £6,380
- Travel Plan Monitoring Fee - £2,379
- CDC S106 monitoring fee - £1,000

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31/01/2022. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate highway mitigation works required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, contrary to Government Guidance contained within the National Planning Policy Framework.

CONDITIONS

Time Limit and Plans

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

3. 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:

Plans

- 5002854-RDG-Z01-ST-PL-A-0010 Rev D – Site Location Plan
- 5002854-RDG-Z01-ST-PL-A-0015 – Topographical Survey 1
- 5002854-RDG-Z01-ST-PL-A-0016 – Topographical Survey 2
- 5002854-RDG-Z01-ST-PL-A-0030 Rev N – Indicative Layout Plan
- 5002854-RDG-Z01-ST-PL-A-0011 – Experience Quarter Site Area
- 5002854-RDG-Z01-ST-PL-A-0092 Rev L – Parameters Plan – Proposed Developable Area
- 5002854-RDG-Z01-ST-PL-A-0090 Rev J – Parameters Plan – Proposed Land Use
- 5002854-RDG-Z01-ST-PL-A-0098 Rev D – Parameters Plan – Access & Movement Plan
- 5002854-RDG-Z01-ST-PL-A-0094 Rev K – Parameters Plan – Existing/Proposed Heights

Documents

- Updated Planning Statement – Edgars – April 2021
- Heritage Report – Worlledge Associates – December 2020
- Archaeological Desk-Based Assessment – Oxford Archaeology – September 2018
- Contamination & Ground Condition Report – Crestwood Environmental – 3 July 2018
- Aviation Impact Assessment – Air Motive – December 2020
- Transport Statement – Mode Transport Planning – December 2020
- Framework Travel Plan – Mode Transport Planning – December 2020
- Arboricultural Implications Assessment – Higginson Associates – February 2019
- Flood Risk & Drainage Assessment – Ridge – 3 December 2021
- Ecological Assessment Part 1 – Ecology Solutions – December 2020
- Energy & Sustainability Design Strategy – Ridge – 18 December 2020
- Landscape & Visual Impact Assessment – ASA Landscape Architects – 17 December 2020
- Noise Impact Assessment – SPL Track Environmental – 26 March 2021
- Design & Access Statement – Ridge / Edgars
- Design Code – Ridge – 15 December 2020
- Design Strategy Report – Driven International – 26 November 2020
- Walking & Cycling Technical Report – Mode Transport Planning – 3 September 2021
- Public Transport Contributions Technical Note – Mode Transport Planning – 3 September 2021
- Biodiversity Impact Assessment Calculator Update – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter – Ecology Solutions – November 2021
- Biodiversity Metric Calculator – Experience Quarter & Innovation Quarter – Ecology Solutions – November 2021
- Ecology Note – Ecology Solutions – December 2021

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.

Design

4. All services serving the proposed development shall be provided underground unless details of any necessary above ground service infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), have first been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development that they serve, the above ground services shall be provided on site in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. A Signage Strategy for the site shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any external signage (either free-standing or on buildings). The signage shall be installed in accordance with the approved scheme thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area and to comply with Policy ESD15 and Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

6. Full details of the refuse/recycling bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of that work. Thereafter and prior to the first occupation of the development, the refuse/recycling bin storage area(s) shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse/recycling bins.

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

Landscaping

7. A schedule of landscape maintenance for a minimum period of 10 years starting from first occupation or completion of the development (whichever is sooner) shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development. Thereafter the approved landscaping shall be maintained in accordance with the approved schedule.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Highways

8. No development shall take place until a Construction Travel Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The CTMP shall include the following:
- The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
 - Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - The erection and maintenance of security hoarding / scaffolding if required.
 - A regime to inspect and maintain all signing, barriers etc.
 - Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
 - The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
 - No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
 - Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic times, in accordance with guidance contained in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Prior to the commencement of the development hereby approved, full details of the primary means of access from Buckingham Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interest of highway safety and in accordance with Government

guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, full details of the secondary 'emergency and servicing' access from Bicester Road between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Any fencing, gates or barriers must be sufficiently set back from the carriageway to ensure that the largest vehicles anticipated to require access can wait for the gates or barriers to open without obstructing the highway. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interest of highway safety and in accordance with Government guidance contained within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surface finish and drainage) of the turning areas which shall be provided within the curtilage of the site so that motor vehicles, including HGVs, refuse vehicles and fire tenders may enter, can turn and leave the site in a forward direction, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the turning area shall be constructed in accordance with the approved details and shall always be retained for the manoeuvring of motor vehicles thereafter.

Reason: In the interest of highway safety and in accordance with Government guidance contained within the National Planning Policy Framework.

12. Prior to the commencement of the development hereby approved, a plan showing a car parking provision for an agreed number of spaces to be accommodated within the site to include layout, surface details, and drainage, shall be submitted to and approved in writing by the Local Planning Authority. The number of spaces to be provide shall be based on an indicative breakdown of the GFA between the proposed land uses and in line with the County Council's car parking standards. Thereafter, and prior to the first occupation of the development, the parking spaces shall be laid out, surfaced, drained and completed in accordance with the approved details and shall be retained for the parking of vehicles at all times thereafter.

Reason: In the interest of highway safety and in accordance with Government guidance contained within the National Planning Policy Framework.

13. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the framework travel plan with the application, prior to the first use or occupation of any element of the development hereby permitted a revised framework travel plan shall be submitted to, and be approved in writing by the Local Planning Authority. The provisions of the framework travel plan shall thereafter be implemented and maintained in accordance with approved details unless and until any variations are approved.

Reason: In the interests of sustainability and to ensure a satisfactory form of

development, in accordance with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and the Government guidance contained within the National Planning Policy Framework.

15. Prior to the commencement of the development hereby approved, details of public access routes within and across the development site must be provided to and agreed in writing by the Local Planning Authority. Details must include how public access is to be managed, the routing of paths, connections with existing Public Rights of Way at the north and northwestern edges of the site and safe public access between the Buckingham Road and lakeside area of the development site.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

16. Prior to the commencement of the development hereby approved, details, including the routing, layout, width, surfacing and lighting of a direct and continuous pedestrian and cycle access route between the Hotel access junction on the Buckingham Road and the development site shall be submitted to and approved by the Local Planning Authority.

Reason: In the interests of sustainability and to ensure a satisfactory form of development, in accordance with the Government guidance contained within the National Planning Policy Framework. To provide safe and suitable access to all users.

Drainage

17. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”
- b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- c) A Flood Exceedance Conveyance Plan;
- d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and details of how water quality will be managed during construction and post development in perpetuity;
- g) Confirmation of any outfall details;
- h) Consent for any connections into third party drainage systems.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

18. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information.

Reason: To ensure that the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Contaminated Land

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Ecology

20. No development shall take place until a Landscape and Ecology Management Plan (LEMP) including a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the

development as it is fundamental to the acceptability of the scheme.

22. All site clearance (including the removal of any vegetation or works to hedgerows) should be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless alternative provisions have been previously agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

Noise

23. Prior to the first use of any building hereby permitted, all mechanical plant or machinery to be installed within the relevant building shall be identified and assessed in accordance with BS4142:2014 and the report, along with any mitigation or acoustic enclosure required, submitted to and approved in writing by the Local Planning Authority. Where the approved assessment identifies the need for any mitigation or acoustic enclosure, these measures shall be put in place prior to the first occupation of any building.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.

Noise monitoring/management plan

24. Precise wording to follow

A noise management plan should be agreed with LPA prior to the first use of the development and this should be such that it can be continually reviewed and updated with Environmental Health Officers as the need arises. The plan should include (but not be limited to) such matters as numbers of days allowed for noisier vehicles use, hours of use, absolute noise limits set, actions taken when these are exceeded and communication with the local community.

SPL Track Drive By System

25. Precise wording to follow

No use of the track will be allowed without the SPL Track Drive By System being in place. Should there be a need/wish to change supplier then any new monitoring system should be agreed with the LPA prior to its installation.

Construction Environment Management Plan (CEMP)

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

Reason: Wording to be added

Air Quality

27. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. The assessment should include damage cost calculations where applicable along with a proposal for abatement measures that will be undertaken in addition to those already required from the developer. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: Wording to be added

Electric Vehicle Charging

28. Prior to the commencement of the development of any phase, full details of Electric Vehicle Charging (EVC) points and EVC infrastructure to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The Electric Vehicle Charging (EVC) points and EVC infrastructure shall be installed and operational prior to the first use or occupation of any building within that phase of the development hereby permitted and retained thereafter.

Reason: To ensure energy and resource efficiency practices are incorporated into the development and sustainable modes of transport encouraged in accordance with Policies SLE4 and ESD 1 - 5 of the Cherwell Local Plan 2011-2031 Part 1 and the Government's aim to achieve sustainable development as set out within the National Planning Policy Framework.

Lighting

29. Details of all external lighting including the design, position, orientation, illumination and its intensity together with any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed, operated and retained in accordance with the approved scheme at all times thereafter.

Reason: In the interests of visual amenity, to preserve the character and appearance of the conservation area, to accord with the findings of the ecological survey and to comply with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C18, C28 and C30 of the Cherwell Local Plan 1996 and Government advice in The National Planning Policy Framework.

BREEAM

30. The development hereby approved shall be constructed to achieve at least a BREEAM 'Very Good' standard.

Reason: To ensure sustainable construction, reduce carbon emissions and to ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to accord with Policy ESD3 of the Cherwell Local Plan 2011-2031.

Use

31. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 and subsequent amendments, the buildings hereby approved shall be used only for purposes falling within Class B1 (c), B2, B8 and/or D1 as 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: In accordance with Policy Bicester 8 of the Cherwell Local Plan 2011 – 2031 Part 1.