

Case Officer: Caroline Ford

Applicant: Albion Land

Proposal: Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Ward: Bicester North and Caversfield / marginally Bicester West

Councillors: Councillors Mawer, Pratt, Slaymaker (Bicester North and Caversfield)
Councillors Broad, Sibley, Webster (Bicester West)

Reason for Referral: Major development

Expiry Date: 29 July 2022

Committee Date: 16 June 2022

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO THE REMOVAL OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION, CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the west of Bicester and sits within the land allocated for a new zero carbon, mixed-use development by Policy Bicester 1 of the Cherwell Local Plan 2011-2031 (Part 1). The site is at the southern end of the allocated site, close to the Middleton Stoney Road/ Howes Lane roundabout and is directly adjacent (to the north) of the new employment site known as Axis J9.
- 1.2. To the east of the site, a parcel of land exists which forms part of the NW Bicester site, with the existing Howes Lane beyond this and then the existing residential area to the west of Bicester (Bure Park). To the south is the Axis J9 site, with the Middleton Stoney Road and then Bignell Park beyond. To the west, a block of trees/ vegetation is present and to the north a hedgerow. To the west and north beyond these natural features is land allocated for development via Policy Bicester 1.
- 1.3. The site is relatively level with a high point of approximately 85mAOD to the northwest corner and a low point around 82mAOD to the northeast corner and is generally bound by natural vegetation. The land was last in use as agricultural land but has not been actively farmed for a number of years, at least since the commercial development to the south was implemented.

2. CONSTRAINTS

- 2.1. As mentioned above, the site has natural constraints including the natural boundary features and nearby vegetation. The site is in flood zone 1. There are no heritage assets on the site although there are Grade II listed buildings at Himey Farm to the west of the site. The site has some potential to be contaminated and a public right of way is in proximity to the east of the site (running from Wansbeck Drive towards Howes Lane).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application has been amended since its initial submission following concerns raised by Officers relating to the design of the development proposed on the eastern parcel of land. This element was subsequently removed.
- 3.2. In its amended form, the application proposes three buildings, one of which is subdivided into 3 units giving 5 units in total, with a floor area of 14,835sqm GEA. Units 1-3 (in one building) have their rear elevation to the south with units 8-14 (now addressed 6-12 Empire Road, Bicester) beyond with a landscaped bund of 1.5-2.5m height proposed between. To the north of units 1-3 are their associated service yards with an access road, then two further service yards serving units 4 and 5 which then sit to the north. Landscaped bunds ranging from 1-3m high are also proposed to the west and north. The proposal seeks to create development plateaus for the proposed buildings at around 84.200mAOD – 84.400mAOD.
- 3.3. Units 1-3 are contained within one building which measures 13.6m in height (taken from a finished floor level of 84.200mAOD) and they are smaller units with floorspaces of between 1,867sqm GEA to 2,054sqm GEA. Unit 4 measures 15.15m in height (finished floor level of 84.400mAOD) with a floorspace of 4,956sqm GEA and Unit 5 measures 15.15m in height (finished floor level of 84.200mAOD) with a floorspace of 4,030sqm GEA. As well as service yards for each building, car parking is proposed.
- 3.4. The design of the buildings generally follows the design approach adopted on the Axis J9 site to the south with a similar materials palette, projecting fin detailing, and solar panels situated on the southern facing roof slopes.
- 3.5. Over 40% Green Infrastructure is proposed as well as the retention of the trees and hedgerows along the site boundaries. 10m buffers, in accordance with the SPD requirements are also provided to each hedgerow but the proposed bunds and service are proposed within this area. A net biodiversity gain of 5.5% is proposed. Sustainable drainage systems and landscaping is also proposed.
- 3.6. The buildings are designed to meet BREEAM Very Good level and to meet True Zero Carbon requirements with the buildings being built to high environmental standards and with the use of PV panels and air source heat pumps. Electric Vehicle Charging points are also proposed.
- 3.7. Access is proposed to the site from Empire Road (the Axis J9 site), from the south from the Middleton Stoney Road. This access route is a temporary arrangement in the same way that the current access to 6-12 Empire Road is temporary until such time that the strategic road, as currently approved, is implemented. At that point, access would be taken from the strategic road. The site does however propose permanent road infrastructure including the provision of part of the realigned Howes Lane comprising a 7.3m wide road, right turn lanes, swale and verges, footpaths and segregated cycleways on both sides of the road. Car and cycle parking is also proposed as well as electric vehicle charging infrastructure.
- 3.8. The site is proposed to be operational for 24 hours a day.
- 3.9. The applicant has submitted a letter from Brita Water Filter Systems Ltd which explains that they have agreed letting terms of the largest proposed unit (unit 4). They are looking to expand their operations in Bicester and require the new facility to be completed ready for operations to commence in mid-2023.

4. RELEVANT PLANNING HISTORY

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

14/01675/OUT

OUTLINE - Erection of up to 53,000sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (G1); provision of sustainable urban systems (suds) incorporating landscaped areas with balancing ponds and swales. Associated utilities and infrastructure.

Application Refused/but Allowed at appeal

17/00455/HYBRID

Hybrid (part full & part outline) application for: (1) Full - construction of a temporary vehicular and pedestrian access (including footway along Howes Lane), permanent highway works (part of proposed realigned Howes Lane) and pedestrian link to Howes Lane; (2) Outline - residential development, including landscaping, public open space, vehicular and pedestrian access.

Application Permitted

17/01090/OUT

Development of B1, B2 and B8 (Use Classes) employment buildings, including landscaping; parking and service areas; balancing ponds and swales; and associated utilities and infrastructure. Construction of a new access off Middleton Stoney Road (B4030); temporary access off Howes Lane; internal roads, footways and cycleways

Application Permitted

19/00349/REM

Reserved Matters to 14/01675/OUT - layout, scale, appearance and landscaping details for Phase 1 of the employment development (21,684sqm flexible B1c/B2/ B8 floorspace) and earthworks for Phase 2 of the employment development (pursuant to the Amended Appeal Consent)

Permitted

19/00347/OUT

Minor material amendment to planning permission 14/01675/OUT to vary conditions 6, 7, 8, 9 and 10 to refer to updated parameter plans and temporary access plan; variation of condition 14 to enable delivery of employment development in full in advance of strategic link road; and amendment of condition 20 to reflect removal of temporary access onto Howes Lane (Outline reference number 14/01675/OUT, granted at Appeal - Ref: APP/C3105/W/16/3163551 for the erection of up to 53,000sqm of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure)

Permitted

20/02454/REM

Reserved Matters application to 19/00347/OUT - layout, scale, appearance and landscaping details for Phase 2 of the employment development (23,226sqm flexible B1c and/or B2 and/or B8 floorspace), associated utilities and infrastructure and swale (SuDS) and strategic green infrastructure landscaping.

Permitted

20/03199/OUT

Variation of condition 13 (extent of employment development usage) of 19/00347/OUT – to enable up to 85% of the commercial site to be occupied for Use Class B8 in respect of the site

Permitted

- 4.2 The two submissions for reserved matters permission for Phase 1 and 2 (19/00349/REM and 20/02454/REM) allowed 44,810sqm of floorspace which represented 84.5% of the original floorspace consent (up to 53,000sqm).
- 4.3 Various discharge of condition and obligation applications have been made against the outline and reserved matters applications which have enabled Phases 1 and 2 to be implemented.

5. PRE-APPLICATION DISCUSSIONS

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

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **21 May 2022**.
- 6.2. 29 representations have been received. The comments raised by third parties are summarised as follows:

FLOODING

- There have been increased flooding events in local streets including Beckdale Close in recent years and since Axis J9 was constructed. This should be reviewed for all local roads.
- More units on massive concrete slabs will only cause even more regular flooding.
- Enhanced safety factors/measures and sufficient/adequate flood prevention measurements must be given serious and careful consideration concerning the higher risk factors now directly effecting residents with properties close to or immediately backing onto Howes Lane.
- The risk of flooding has impacted residents' insurance premiums.
- The realignment of Howes Lane will help but this does not alleviate the worries local residents hold.

HIGHWAY SAFETY/HOWES LANE RE-ALIGNMENT

- Howes Lane cannot support more HGV traffic.
- Warehouses should be placed away from residential areas and closer to the motorway junctions, which would help highway issues.

- The plans originally proposed housing to support growth and this was a reason given for the warehouses being built where they were (commercial development is needed close to where populations will grow).
- No additional building work should occur until Howes Lane is realigned to help support traffic. This would mitigate the noise and air pollution and route traffic away from existing residential areas.
- The road infrastructure will not be able to support all the approved planning permissions locally without changes. Local roads are already used as cut-throughs when it is busy elsewhere, which puts residents at risk.
- There are concerns about the safety of residents that back onto Howes Lane if a lorry were to leave the highway.
- Local residents were promised the realignment of the road and for residential homes, green spaces and schools. Not overbearing warehouses.

AMENITY/NOISE/FUMES

- There are already noise concerns in the local area from traffic noise.
- There are concerns with health and wellbeing for residents and local wildlife.
- There will be additional light pollution on top of what is experienced from the current warehouses.
- What are the proposed operating hours? They should not be 24/7 operations.
- Concerns over the noise levels set out in the reports.
- Concerns over noise from the construction phase and then HGV movements at all hours. Noise from the existing units already causes problems.
- Concerned about air pollution.
- This will bring additional disruption to an established residential area.
- Residents cannot enjoy their gardens due to the volume of traffic, noise and pollution.

VISUAL/ RESIDENTIAL AMENITY

- The height of the units will tower over existing residential properties and this will affect privacy, views, wellbeing, access to natural light and increase disruption.
- The units are too close to existing residential units.
- More residential dwellings are needed not empty warehouses. Gardens will be overlooked by soulless buildings towering over them.
- Residents don't want to have such eye sores when looking out of their windows.
- The proposal will ruin the Bicester landscape. The existing warehouses are an eyesore during autumn and winter months.
- The proposals will block out evening sun for nearby residential properties opposite.
- Views of fields and greenery would be spoilt by the development.
- The site should be developed aesthetically.
- The proposals would devalue properties nearby.
- New estates are segregating Bicester and causing a loss of its sense of community.
- The cost of living would remove local warehouse workers so they would have to commute into the town to support these warehouses.

ECOLOGY/BIO-DIVERSITY

- There should be measures included to shield/ buffer properties from the warehouses.

- Guidance in 'Biodiversity in the Built Environment should be followed.
- Biodiversity features should be incorporated.

UNSUITABLE/CHANGE TO PLANS

- Residential properties should be provided here as planned. This is what residents expect. It is morally wrong to change this.
- Residential development of 2-3 stories would be less detrimental to the surroundings and residents than 11m warehouses.
- The town would benefit from more housing and the accompanying green space, and other services.
- Green spaces in and around Bicester need to be protected.
- Warehouses are incompatible with the vision for a garden town.
- Affordable housing is needed.

AMENDED PLANS

- The latest plans do not go far enough.
- The letter from Brita should not be given weight as this could apply in the future for the eastern parcels with other interest.
- Green Infrastructure on Howes Lane should not be relied upon as this could be back-tracked on later.
- The money ear-marked to Howes Lane has been given away and this should be completed as a priority before any further development is allowed.
- Traffic modelling cannot convey the impact of increased traffic, pollution and noise from large nearby planned developments.

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

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. **BICESTER TOWN COUNCIL: Strongly object.** Originally the proposal was to provide housing provision. Mass and scale of the buildings need to be considered and not dominate the skyline. Howes Lane is already experiencing an increase in traffic movement due to cumulative developments in Bicester. The proposal is premature and contrary to the NW Bicester Masterplan and the Cherwell Local Plan. The site has been zoned for 150 residential units as part of the 6,000 home Eco- Development at NW Bicester. There would be an adverse impact on the character and appearance of the area. The proposal would result in the loss of green infrastructure and have an adverse impact on the Local Walking, Cycling Infrastructure Plan. There would be an adverse impact on the secondary school site, the school sport pitches and the retail shops and on the local road network. There have been examples of flooding in nearby residential properties in recent years. No further planning applications are allowed on the NW Bicester site other than those applications which have already been approved by the Local Planning Authority until the new realigned Howes Lane has been constructed.

- 7.3. BUCKNELL PARISH COUNCIL: No comments received.
- 7.4. CHESTERTON PARISH COUNCIL (first response): No problems with this planning application.
- 7.5. CHESTERTON PARISH COUNCIL (second response): **No objection**, but concerns over the traffic issues on Howes Lane and extra noise.
- 7.6. MIDDLETON STONEY PARISH COUNCIL: **Object in the strongest terms**. It seeks to cancel the requirement to build 150 dwellings and to build in its place an industrial/storage facility. Particular concern is the increase in HGV traffic that such a development will create on a road system already under severe stress. Whilst the proposal states that it would not have a significant increase in traffic, what about the cumulative effects. Middleton Stoney is vulnerable is narrow to safely accommodate HGVs without endangering pedestrians. Routing agreements are often not policed or enforced. Given the regular news regarding an acute shortage of housing, it is important that more housing be built.

CONSULTEES

- 7.7. CDC ARBORICULTURE: No comments received.
- 7.8. CDC BUILDING CONTROL: Fire service access must be in accordance with Approved document B Volume 2 Section H5.
- 7.9. CDC ECOLOGY (first response): The ecological survey data is acceptable and updated appropriately. A CEMP for biodiversity and a detailed habitat and landscape plan (LEMP) should be sought by condition. The applicants propose to contribute to the specific site wide off-site mitigation scheme for farmland birds, the amount and timescale need to be secured. The biodiversity metric demonstrates that there will be a net gain on site however for habitats, the gain is very minimal and this is not likely to be meaningful and leave no room for contingency so are equivalent to no net loss. A higher level of net gain for biodiversity should be secured.
- 7.10. CDC ECOLOGY (second response): The whole metric ought to be provided but the submission does give a score of 5.5% which although falls short of the 10% we seek, it's broadly acceptable in policy terms. Some concerns regarding the conditions that it is proposed some of the habitats could reach. The LEMP for the site will need to contain review periods by an Ecologist to ensure that the habitats have reached the conditions specified and make adjustments if not to ensure a net gain is achieved in the long term.
- 7.11. CDC ECONOMIC DEVELOPMENT: The proposed development should create facilities that would contribute towards the economic growth aims of the Council. The proposed modern premises would be suitable for a range of business activity to assist the advancement of local employers and inward investors. It would also assist the development of supply chains and the creation of employment opportunities, complementing the evolution of the local economy and increasing resident population. From an economic growth point of view, the proposal is supported. They would be of particular benefit to small and medium-sized employers. The Market Report confirms the Officers understanding of the level of recent and on-going demand for commercial premises. The zero carbon ambition of the proposal is welcomed but a higher BREEAM standard should be sought as the commercial occupier market has ever-increasing expectations of quality accommodation. The proposed development would create significant local job opportunities and apprenticeships during the construction phase. The creation of a Training and Employment Plan is welcomed.

7.12. CDC ENVIRONMENTAL HEALTH (first response):

- Noise: Having considered the report provided with the EIA, the findings are satisfactory and agree the noise limits suggested for plant on site in the operational phase. Conditions are recommended.
- Contaminated land: The phased contaminated land conditions are recommended.
- Air Quality: A condition is recommended to require a detailed air quality impact assessment to consider the impact of the development on local air quality. A condition is also recommended with regard to EV charging infrastructure.
- Odour: No comments.
- Lighting: A condition is recommended to require details of any external lighting for the site.

Officer comment: Upon querying the proposed condition for lighting (on the basis of a plan submitted) and contaminated land (based upon the conclusions of the Inspector relating to the site to the south), it has been confirmed that a condition requiring a lighting scheme is not required and that a condition relating to unexpected contamination would be sufficient.

7.13. CDC ENVIRONMENTAL HEALTH (second response): The comments above continue to apply.

7.14. CDC LANDSCAPE (first responses):

- The Landscape Management Plan is acceptable, however detailed hard and soft landscape proposals and the tree pit detail should be appended to it. Advice is provided as to what should be included in detailed landscape proposals.
- The LVIA is considered to be generally acceptable.
- With regard to the screening and visual mitigation of the buildings indicated on the planting strategy drawing, the proposals were generally considered acceptable but concerns were raised regarding the northern site boundaries existing hedgerow which would not provide sufficient screening or buffering of the 16m high unit and additional space could be introduced to enable large native trees to be provided to benefit the scheme.
- Comments were made on specific species proposed as well as the required information to be demonstrated on detailed soft landscape proposed.
- With regard to the Landscape Management Plan, comments were made relating to the maintenance period which is lower than Phase 2 and that it would need to explain various parts of the proposal.

7.15. CDC LANDSCAPE (second response):

- The trees alongside the strategic link road cycleway should be positioned so that they prevent structural damage to the cycleway by tree roots.
- Additional native trees should be planted on the northern boundary to supplement the hedgerow and provide the necessary visual mitigation of the proposed development parcels. Are swales proposed in this area?
- The Landscape Management Plan will need to be updated to include the consented detailed landscape proposal once available. The submitted plan and its planting typologies do not provide sufficient detail. Comments also continue to be made with regard to the maintenance period.

- Detailed hard and soft landscape proposals are required as well as tree pit details.

7.16. CDC PLANNING POLICY: No comments received.

7.17. CDC PUBLIC ART: Based upon the newly proposed floorspace of 16,942sqm for commercial use, an additional contribution towards public art of £24,181.26 should be provided. This figure is based on rates applied to the previous stages of the development where £75,646.74 was agreed for the initial 53,000sqm. This should be index linked from the same date of the original agreement. The contribution is to be used towards offsite and support cultural wellbeing in the area through participatory and public art features.

Officer note: The contribution request would need to be revised to reflect the reduced floorspace proposed through the amended scheme.

7.18. CDC BICESTER DELIVERY TEAM: No comments received.

7.19. CDC LAND DRAINAGE: (First Response) – the LLFA will need to comment. The site will drain to an attenuation basin that has at least in part already been constructed to serve an adjacent completed building. The basin drains to the minor ordinary watercourse known locally as the Gowell Brook, which flows only seasonably. This water course is also proposed to serve other NW Bicester, so it is critical to the drainage infrastructure locally. It flows through a culvert under Howes Lane which is known to be partly obstructed, which has caused internal flooding to several residential properties locally. This obstruction should be removed to ensure that there is no further increase in risk to affected properties.

7.20. CDC LAND DRAINAGE (Second Response): The proposed strategy directs surface water away from the Gowell Brook and existing development to a linear sequence of swales that serve the Axis J9 Phases 1 and 2. This is acceptable, as it would remove any increased risk of flooding to the existing development to the east and potentially reduce it. The LLFA should comment and should note that the land does not currently contribute to the catchment to which Phases 1 and 2 drain and the system of outfall pipes and ditches beyond the site boundaries has not been surveyed or proven to be capable of discharging the attenuated flows from the site.

7.21. CDC LAND DRAINAGE (third response): No further comments.

7.22. CDC LAND DRAINAGE (fourth response): No further comments. The surface water drainage is proposed to discharge to the existing site infrastructure which has been designed to accommodate Phase 3. No further comments on the site-specific infrastructure for Phase 3.

7.23. CDC LAND DRAINAGE (CLARIFICATION):

- Previous comments about the partially blocked culvert under Howes Lane should be disregarded when considering this application. The proposal for this phase is to pass through the already installed drainage for phases 1 and 2 and not through the Howes Lane culvert.
- The blocked culvert under Howes Lane connects to the piped system north of Beckdale Close. *Officer note – it is understood it is this that has caused recent flooding.*
- The culvert to the south which is planned to take drainage from Axis J9 and other sites has some trees growing in it which could cause blockages and flood risk. This will need to be monitored closely.

7.24. BIOREGIONAL (SUSTAINABILITY ADVISORS TO CDC): Key points summarised as:

- No carbon management plan is provided.
- Conditions should be used to secure a staged process to demonstrate BREEAM compliance.
- Energy monitoring and real time information display systems should be required.
- No water cycle study has been provided.
- The suggestions to reduce greenhouse gas emissions is positive.
- The proposal meets the definition of net zero carbon (taking into account regulated and unregulated emissions) via the buildings being designed to be highly efficient and the integration of PV panels and air source heat pumps for the office spaces. Additional clarification is sought regarding the reduction of carbon emissions achieved for each unit (and site wide) following the addition of PV.
- It is not confirmed if locally sourced materials, recycled or modular construction will be used.
- A condition should be used to ensure analysis and compliance relating to overheating using CIBSE TM52.
- Further details of safe walking and cycling routes should be demonstrated. Further detail on active travel should be provided. Confirmation of the provision of EV charging points should be provided.
- The drainage strategy has been designed for a 100 year + 40% climate change allowance. The drainage strategy includes SuDS.
- Further information should be provided with regard to green space for recreation.
- The proposal should be reconsidered to demonstrate a 10% net biodiversity gain.
- A condition to ensure efficient water consumption is suggested.
- Additional information should be sought around allowable solutions, the glazing u-values (although other u-values such as for building fabric are good) and confirmation of the renewable energy technologies considered.

7.25. OXFORDSHIRE COUNTY COUNCIL (MEMBER COMMENTS – CLLRS SIBLEY, WAINE AND FORD):

- High level of public interest and concern and Bicester Town Council strongly objects.
- This is a speculative proposal, is premature and contrary to the NW Bicester Masterplan and Policy Bicester 1 of the adopted Cherwell Local Plan.
- No further planning applications are allowed on the NW Bicester site other than those which already have approval until the realigned Howes Lane has been constructed. This is critical and should be the key priority without delay.
- The scale and height of the 11 warehouse buildings that range from 8-12m in height will have an unacceptable landscape impact and will impact on the amenity of existing and new residents. There would be adverse impacts on the character and appearance of the area, and it would dominate the street scene and blight the skyline.
- The proposals are contrary to Policy SLE1 which states that careful consideration should be given to locating employment and housing in close proximity as unacceptable adverse effects on the amenity of residential properties will not be permitted.
- The development would be built on land at high risk of flooding. Local residents have suffered flooding in the past few years.

- The proposal would result in the loss of Green Infrastructure and would impact on the Local Walking and Cycling Infrastructure Plan and the internal bus network throughout NW Bicester.
- The proposal would have an adverse impact on the secondary school site, sport pitches, shops, health and community centres by marginalising them from the residential development. Concerns for the safety of school children and parents having to use an industrial business park as part of the route to school.
- Adverse impacts on the road network by traffic congestion, noise, air and light pollution.
- The proposal to build storage and distribution units on a site zoned for housing is unacceptable and would unnecessarily and unjustifiably erode the ambitions of the Local Plan.

7.26. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (First response): Objection:

- The application does not adequately demonstrate that the traffic impact of the development will not be severe. The application assumes the strategic link road diversion will be in place in 2024 and argues that there is sufficient capacity in the local road network for the development to be occupied before this is open. However, this is not accepted. There is uncertainty of delivery of the SLR and therefore a resultant severe congestion impact could last many years.
- Cycle facilities on the west of the strategic road do not appear to be segregated. Whilst this is in line with the permitted layout for the link road, policy has changed since that permission was granted and a segregated, LTN1/20 compliant facility would be required.
- The development does not provide adequate pedestrian and cycle connectivity to existing residential areas meaning that it does not provide a range of sustainable transport options. This is also an unacceptable safety risk.
- The amount of cycle parking appears to be insufficient for the size of the development, again meaning that the development does not adequately provide for a range of sustainable transport options.
- The proposed cycle facilities are not considered to be compliant with current guidance.
- S106 and conditions are recommended.

Officer note, the contribution requests would, in some cases, need to be revised to reflect the reduced floorspace proposed through the amended scheme.

7.27. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (second response): Objection:

- The applicant is proposing that development on the western parcel is restricted to B8 prior to the opening of the strategic road infrastructure. However, there are some anomalies in the assessment of traffic impact.
- A pedestrian connection to and a signalised crossing over Howes Lane has been included in the proposals.
- Segregated Cycle facilities on the strategic link road have been included but improvements are required to cycle connectivity and cycle parking in the interests of promoting sustainable travel.
- Car parking provision for the warehousing units is too generous and should be reduced in the interests of promoting sustainable travel.

7.28. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (third response): Objection:

- Improvements are still required to the cycle connectivity on the strategic link road (in terms of the width of the provision and the inclusion of a buffer which would improve user experience and result in beneficial changes to the priority crossing of the access) and cycle parking.
- The application has been amended to remove the eastern parcel from the application and proposes that the western parcel is used for entirely flexible uses. The footway/ cycleway remains connecting the site to a proposed new signalised crossing of Howes Lane, with onward connection to the public footpath leading to Wansbeck Drive.
- The route leading to the signalised crossing is 3m in width. As this is an interim route only, the applicant considers this to be sufficient. OCC consider that this should serve cyclists as well as pedestrians given the strong sustainable transport policy. A barrier chicane as proposed is not supported.
- Full details of the signalised crossing should be requested by condition.
- Continued concerns raised regarding the proposals for routes to the cycle parking within the HGV areas.
- The predicted peak hour trip generation has been revised in accordance with the reduction in floor area and is based upon industrial rather than warehousing which represents a worst case. This has been tested in the Bicester Transport Model using a reference case for 2026 without the A4095 realignment. This shows a modest impact of 4 vehicle movements at the Howes Lane/ Bucknell Road/ Lords Lane junction. Although the junction is predicted to be over capacity this level of additional vehicle movements could not be considered severe. This objection is therefore removed. A condition to restrict occupation of the development until the strategic link road is in place is not recommended. This is subject to a routing agreement requiring HGVs to leave the site to the south using Vendee Drive and the A41.
- The return to a flexible use rather than B8 only removes the previous objection on the basis of over-provision of parking.

7.29. OXFORDSHIRE COUNTY COUNCIL TRANSPORT (fourth response): No objection subject to S106 requirements and planning conditions.

- A technical note relating to the proposed cycling infrastructure has addressed the previous comments.
 - The amended site plan shows a segregated cycleway on the western side of the future A4095 realignment and the Axis J9 phase 1 has been widened on that part of the link for which no constraints exist;
 - The western footway/ cycleway along the A4095 realignment has been set back behind a 1m verge;
 - The link between the future A4095 and Howes Lane (to the signalised crossing) is a 3m shared use route which is acceptable on a temporary basis as most cyclists in the future would use the realigned A4095;
 - The crossing works on Howes Land will be subject to technical audit;
 - There will need to be a requirement to agree technical details of the access road with OCC prior to construction as it forms part of the future A4095 alignment. The cycle link will be offered for adoption in the future so OCC must agree its details.
 - Cycle parking for the units has been moved from the goods in/ out area to the car parking area.

- 7.30. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (first response): Objection:
- A detailed surface water management strategy should be submitted in line with local standards and as the proposal is a full application, a definite proposal of all SUDs that will be installed as part of the scheme is required.
- 7.31. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (second response): Objection:
- Various detailed queries raised with regard to the proposed scheme and the information provided.
- 7.32. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (third response): Objection as no additional information has been received.
- 7.33. OXFORDSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY (fourth response): Objection due to missing information (this was due to an error in the information being made available).
- 7.34. ENVIRONMENT AGENCY: No objection. Advice is provided for future occupiers relating to potential polluting activities and on their regulatory role in issuing other legally required consents, permits or licences for various activities.
- 7.35. NATURAL ENGLAND (first response): No objection as the proposed development will not have significant adverse impacts on designated sites. Natural England considers that the proposed development will not damage or destroy the interest features of nearby SSSIs.
- 7.36. NATURAL ENGLAND (second response): previous advice continues to apply. The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.
- 7.37. NATIONAL HIGHWAYS: No objection. The Transport Assessment has been reviewed and it is acknowledged that the proposals shall produce a lower development trip impact than that of the previously consented residential development which National Highways had no objection to. National Highways confirmed this position to a re-consultation based upon the amended scheme that reduced the scale of the development.
- 7.38. NATIONAL PLANNING CASEWORK UNIT: No comments received.
- 7.39. THAMES WATER: (First response):
- Thames Water has been unable to determine the foul water infrastructure water needs of the development. A planning condition is recommended.
 - The application indicates that surface water will not be discharged to the public network and so Thames Water has no objection.
 - Thames Water recognises that this catchment has high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and so there is no objection, however care needs to be taken to ensure flooding is not caused.
 - Thames Water have no objection with regard to water network and water treatment infrastructure capacity. An informative should be added relating to water pressure.

7.40. THAMES WATER (second response):

- Thames Water recognises that the catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the development does not materially affect the sewer network and there is therefore no objection.
- The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy. As the application demonstrates that surface water will not be discharged to the public network then there is no objection.
- No objection with regard to foul water sewerage network infrastructure capacity.

7.41. BBOWT: No comments received.

7.42. CPRE: Concerns as follows:

- Concerned that this will conflict with the emerging vision from the Oxfordshire Plan 2050 for Oxfordshire to be an attractive place to live in, particularly given nearby residents' views.
- The development which includes provision for B8 and building over 11m high will result in overbearing massing and industrialisation inappropriate to residential areas.
- The proposal is at odds with Policy Bicester 1 which states use classes B1 with limited B2 and B8. Taking into account what has been built, this would not be limited. B1 employment should be sought here if the site is to be allocated for employment which would be more appropriate to a residential area in terms of amenity and scale. A broader range of uses would better fulfil the eco town aims and there is plenty of logistic employment already.
- Concerned that the A4095 strategic link road will not be ready until 2024. This is causing concern to local residents on a number of grounds. This is not adequately addressed in the Environmental Statement.
- The proposal does not achieve the required 10% biodiversity net gain. Concerns over the long-term maintenance programme to ensure the required gain. The calculator used is dated.
- Concern regarding other biodiversity species due to erosion of their habitat. Why have surveys not been provided in the ES? Policy ESD10 states that developments should provide surveys of the brown hairstreak butterfly but that is not provided.
- Further detail on the scheme to offset farmland birds should be provided. Otherwise, this is pushing the issue down the road. CDC is committed to nature recovery through its Community Nature Plan then the Council should seek further detail.
- There are a number of objection letters relating to flooding given recent flooding incidents locally. The response from the CDC Land Drainage Officer is noted relating to the obstructed culvert which may have caused flooding.
- Concerned that the development will be a net contributor to greenhouse gas emissions. This is concerning given the site is part of the eco town strategy whose main purpose is to reduce carbon emissions. CDC has set a target of carbon neutrality by 2030. This will require significant reductions in vehicle use. Logistics are already well provided for, and this may lead to staff travelling further to the site increasing car usage and emissions. The types of vehicles required will also increase emissions.
- The proposal is likely to fall short of being a carbon neutral development.
- This proposal will run counter to Policy Bicester 1 and be inappropriate adjoining local residences. CPRE are not opposed to development on the land but a rethink

on the development is required to minimise the impacts on residential amenity and the environment.

7.43. STAGECOACH: Support the proposal in their revised form.

- Stagecoach do not believe that the release of the site for employment uses would be prejudicial to the achievement of the Local Plan nor the SPD taking into account activity across the site. There also appears to be clear demand for the additional employment from the uptake of space across the town. This is a welcome rebalancing of the town that has historically been a residential satellite of Oxford. Rebalancing employment with large scale housing development is inherently sustainable, reducing the distances to travel and helping to make sustainable modes more attractive. This accords with the spatial strategy of the Local Plan and National Policy.
- Land within the redline will accommodate vehicular access to the proposals and will future proof and partly deliver a section of the strategic link road. A shadow right turn lane into the scheme at the south (the permanent arrangement) should be made.
- There should be the ability to future proof the route to the west (linking through to the Himley Village site) for a pair of bus stops to provide safe and convenient public transport access to the proposals in the future.

7.44. THAMES VALLEY POLICE DESIGN ADVISOR: No objection but comments are made to meet the requirements of the NPPF:

- The design and access statement does not adequately address crime and disorder.
- Comments are predominately related to building security.
- There are concerns that the fire escape routes are located in vulnerable, isolated areas lacking surveillance.

7.45. ELMSBROOK COMMUNITY ORGANISATION: Object because it will cause too much obstruction. Further comments to the amended scheme were as follows:

- The proposal should not deviate from the original plans for housing on the land. Additional warehouses would not provide sufficient employment per sqft and is not the correct type of employment for the current eco town demographic. Offices should be proposed if the land is to change from residential to commercial. This would be more suitable for an eco-development and would provide more employment opportunities.
- Air pollution levels in Bicester exceed the World Health Organisation guidelines.
- Warehouses are serviced by a high number of HGVs. This will add to air pollution which will have a severe impact on the health and wellbeing of residents.
- There are other warehouses proposed near to J10 of the M40 and close to the proposed Oxfordshire Strategic Rail Freight Interchange. On this basis there is no reason to support an application or more warehouses in this inappropriate location.

7.46. BICESTER BIKE USERS GROUP: There are some serious issues with the highway design for cyclists so BBUG Object for the following reasons (but the issues should be overcome relatively easily):

- The western side of the strategic road should be provided with segregated provision for pedestrians and cyclists link to the eastern side to comply with LTN1/20 and the Oxfordshire Cycle Design Standards. This should be continued into the estate to avoid unnecessary transitions.

- Priority crossings should be proposed on the minor road access pointed on the western side and to the estates on the current access road. Corner radii should be reduced to minimise vehicle speeds as well as the road distance that pedestrians need to cross. Provision of mid-point refuges might be advisable.
- There should be a disability compliant way for cyclists and pedestrians to cross the stub of Howes Lane until the wider road is completed. Dropped kerbs should be provided.
- Cycle bypasses should be provided to the rear of the location of any planned bus stops to avoid conflict.
- The crossing in the mid-point of Howes Lane shows a shared area to the east merging into a cycle only lane with no transitions. This will need to be redesigned, especially if active travel on the western side becomes segregated provision. A parallel crossing might be suitable bearing in mind the likely future traffic on Howes Lane.
- Ghost islands can reduce accessibility for users of the minor roads and post a greater road safety risk as well as taking up highway space so they should be considered for removal.
- Active travel routes to the site should be improved as per LTN1/20. Active travel access to the proposed development across the Middleton Stoney Road roundabout is poor as it has uncontrolled crossings over high speed, wide, crossings. This makes walking and cycling access limited. A contribution towards segregated parallel crossing should be provided.
- The level of cycle storage appears to be below that which would be required according to LTN1/20 and in the wrong locations. Storage should be immediately adjacent to the entrance to each unit to ensure greater protection for bicycles, especially more valuable e-bikes.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC1: District wide housing distribution
- BSC2: Effective and efficient use of land
- BSC3: Affordable housing
- BSC4: Housing mix
- BSC7: Meeting education needs
- BSC8: Securing health and well being
- BSC9: Public services and utilities
- BSC10: Open space, sport and recreation provision
- BSC11: Local standards of provision – outdoor recreation
- BSC12: Indoor sport, recreation and community facilities

- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Policy Bicester 1: North West Bicester Eco Town
- Policy Bicester 7: Open Space
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR10: Heavy Goods Vehicles
- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- North West Bicester SPD (February 2016)
- The Habitats and Species Regulations 2017

9. APPRAISAL

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

- Environmental Statement
- Principle of development
- Transport
- Landscape and Visual Impacts
- Design, and Impact on the character of the area
- Residential amenity
- Ecology impact
- Drainage
- Eco Town Standards
- Other matters

Environmental Statement

9.2. The application is accompanied by an Environmental Statement. The aim of an Environmental Impact Assessment is to protect the environment by ensuring that a Local Planning Authority, when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and therefore can take this into account in the decision-making process.

9.3. The scope of the Environmental Statement (ES) accompanying this application predicts the environmental effects of construction activities and once the development is complete and operational. It covers the following topics: the construction process,

socio-economic impacts, transport, noise, biodiversity and climate change and greenhouse gas impacts. Landscape and visual impacts are assessed within an appendix to the ES. It also considers the effect interactions and cumulative impacts within each chapter. Officers are satisfied with the scope of the submitted ES. The ES considers the scheme as originally submitted (i.e., a larger scheme than now being considered). It has not been updated to reflect the amended scheme but, it is considered that the impacts of the scheme in its amended form continue to be adequately assessed. On this basis, it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable in this case.

- 9.4. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.5. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and the consultation responses received have been taken into account in considering this application and preparing this report.
- 9.6. The ES identifies mitigation and this, should the proposal be approved, would need to be secured through conditions and/or legal agreements. The following report assesses the submitted planning documents and the content of the Environmental Statement in order to reach a balanced and informed recommendation to Members.

Principle of Development

Policy Context

- 9.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 (Part 1), the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need, the saved policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans.
- 9.8. Policy SLE1 of the Cherwell Local Plan Part 1 (2011-2031) sets out that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy. The Plan has an urban focus to development, with allocated employment sites focussed predominantly at Banbury and Bicester.
- 9.9. The adopted Cherwell Local Plan 2011-2031 Part 1 includes strategic allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The policy is comprehensive in its requirements and this, alongside the other relevant policies of the Development Plan are relevant to the consideration of this application. The application site forms part of the land allocated by Policy Bicester 1.
- 9.10. Policy Bicester 1 identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area. A Masterplan has been produced for NW Bicester and this has been

embedded within the North West Bicester SPD, adopted in February 2016. The SPD amplifies the Local Plan policy and provides guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.

9.11. Policy Bicester 1 sets out various requirements for the site and for employment, it requires as follows:

- Land Area – a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road, employment space in the local centre hubs and as part of mixed used development;
- Jobs created –At least 3,000 jobs (approximately 1,000 jobs on B use class land on the site) within the plan period;
- Use classes – B1, with limited B2 and B8 uses;
- It is anticipated that the business park at the Southeast corner of the allocation will generate between 700 and 1,000 jobs in use classes B1, B2 and B8 early in the Plan period;
- A Carbon Management Plan shall be produced to support all applications for employment developments;
- An economic strategy to be produced to support the planning applications for eco-town proposals demonstrating how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
- Mixed use local centre hubs to include employment (B1(a), A1, A2, A3, A4, A5, C1, D1 and D2);
- New non-residential buildings will be BREEAM Very Good with the capability of achieving BREEAM Excellent.

9.12. The NW Bicester Masterplan incorporated within the SPD identifies the land that is now Axis J9 for commercial/ business development uses and the land to the north (subject to this application) and east for residential/ green infrastructure uses. The SPD includes Development Principle 4, which identifies that employment opportunities play a part in ensuring that unsustainable commuter trips are kept to a minimum and that larger scale commercial development on the land shown would provide business space for offices, workshops, factories and warehousing for target sectors including high value logistics, manufacturing and low carbon companies.

9.13. As described by the planning history above, the land to the north and east benefits from outline planning permission for residential development for up to 150 dwellings. The implemented outline permission would require a reserved matters application to be made for the land by 19 December 2022, otherwise the outline permission for the land will lapse. In addition, there is a Grampian condition imposed on the outline permission which means that no residential development and no more than a specified floorspace limit of E(g)(iii) or B2 uses could be occupied until the work to realign Howes Lane and Lords Lane has been completed and the road opened to vehicular traffic.

9.14. The NPPF identifies that significant weight should be placed on the need to support economic growth and productivity. Planning policies and decisions should also help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 sets out 4 criteria that planning policies should:

- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;

- b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
- d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

9.15. The applicant refers to Paragraph 122 of the NPPF, which refers to the need for planning policies and decisions needing to reflect changes in the demand for land. It goes on to state that where a Local Planning Authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, that *b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.*

Assessment

- 9.16. Policy Bicester 1 allows for employment development as part of the mixed-use site area and in line with the Masterplan for the site. The existing J9 site area extends to approximately 14ha, which exceeds the minimum land area referred to by Policy Bicester 1 for the site in the southeast corner (Howes Lane/ Middleton Stoney Road). The Policy also anticipates commercial uses in the local centre hubs and as part of mixed-use development.
- 9.17. As well as the Policy not necessarily anticipating further commercial development in this area, the Masterplan identifies the land use in this area for residential/ green infrastructure uses. In this respect, the proposal changes the Masterplan and proposes an alternative form of development on the land. There are two main issues to consider in this respect. Firstly, the loss of the land for residential uses and secondly, whether proposals for additional commercial development can be justified and how these might comply, or otherwise, with planning policy.

Loss of land for residential purposes

- 9.18. The land subject to this application, as summarised above was originally identified for residential uses and the site benefits from an extant outline permission for residential development currently. With respect to residential uses, the NPPF sets out that the Government's objective is to significantly boost the supply of homes and it requires that housing delivery is maintained and delivered. This is partly by requiring that Local Planning Authorities maintain a minimum of five years' worth of deliverable housing land provided against their housing requirements. The Council's most recent annual monitoring report demonstrates that the Authority can currently demonstrate only a 3.5-year housing land supply for the period 2022-2027 (commencing 1 April 2022).
- 9.19. The loss of land for 150 dwellings would not assist the Council in improving its housing land supply position. However, it is relevant to note that these 150 dwellings are not shown as being deliverable within the current five-year period in any event due to current restrictions on their occupation prior to the required strategic infrastructure at NW Bicester (which as explained below is uncertain). Retaining the land for residential uses would not therefore improve the current five-year land supply situation and in any event, there is no guarantee that the site would ever be brought forward by a developer for residential uses. In addition, outline permission for residential uses is due to expire later in 2022 and if a new application were not made, the land would sit dormant. Nevertheless, the proposal to introduce commercial uses to this land would change the Masterplan and therefore it is necessary to consider the applicant's alternative proposals carefully.

9.20. It is also relevant to note that elsewhere across the site planning applications have been made for higher residential numbers than previously anticipated. Whilst Officers are not in a position to make recommendations on those yet, therefore there is no certainty that higher numbers will or will not be provided across the site, Officers are reasonably confident that it may well be possible to make up 150 dwellings elsewhere (by for example increased density) such that overall, the ability to meet the number of dwellings across the site allocated by Policy Bicester 1 could still be achieved.

Use of the land for commercial purposes

9.21. Policy Bicester 1 in respect of employment uses identifies a minimum of 10ha of land at the southeast corner of the site. Increasing the quantum of land for employment uses in this area would not therefore be in conflict with this element of the Policy. Indeed Policy Bicester 1 seeks to achieve at least 3,000 jobs within the Plan period (the Policy anticipates the delivery of 3,293 of the 6000 homes to be delivered within the Plan period) as well as proposals to demonstrate how access to work will be achieved to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling or public transport. This is to support the ambitions of the site in being a sustainable new community with various targets to achieve this including to achieve high modal shift targets to reduce private car use.

9.22. Whilst it is likely that additional employment opportunities would arise across the rest of the site in smaller employment areas and local centres, the principle of employment development increasing job opportunities would assist in the site as a whole meeting sustainability standards for employment opportunities and access to them.

9.23. The applicant has developed out phases 1 and 2 of Axis J9 and has advised that all units are fully let and that there is strong and evidenced market need for additional flexible employment floorspace in this location. They have also noted other developments around Bicester which have similarly been successful in attracting occupiers. Their market advice is that demand is such that further development would likely result in a similarly quick response rate from national and international companies in the manufacturing and logistics sector, with pre-lets likely prior to construction completing.

9.24. Phases 1 and 2 have attracted a mix of local, national and international businesses in a diverse range of uses including traditional storage, light industrial and specialist technology-based manufacturing. Local businesses such as React Industrial Solutions and Pursuit Racing have a presence at the site as well as new occupiers to Bicester such as Arrival and Origin Doors. It is also noted that the high environmental targets at the site make the units attractive to modern businesses.

9.25. The applicant's Market advice is that the size of the proposed units (those retained in the application – the mid-sized units of 1,783sqm to 4,756sqm) are in particularly low supply in Bicester and across the Cherwell region and therefore would likely appeal to regional and national companies in the logistic and manufacturing sectors.

9.26. The demand for additional employment development is a material consideration. The applicant, in support of their position has provided a letter of support from Brita Water Filter Systems Ltd who confirm that they have agreed letting terms for proposed Unit 4, which they require to support their expansion plans in Bicester (this would be in addition to their existing UK HQ premises on Granville Way). They require this building to be ready for operations in mid-2023 and intend that the building would enable new production lines to be established, potentially resulting in a substantial increase in employee numbers.

- 9.27. The Council's Annual Monitoring Report demonstrates that there has been a considerable gain in employment floorspace over the past two years with that delivered at Bicester being mostly in use classes B1/B2 and B8 (B1 uses now fall within use Class E(g) (i-iii)) indicating that there is demand for such floorspace. The Council's Economic Development Officer has confirmed that the applicant's submission confirms their understanding of the level of recent and on-going demand for commercial premises
- 9.28. The proposed land uses also require further consideration. Fully flexible uses are proposed within use classes E (g)(iii), B2 and B8 with all of the units in the amended scheme benefiting from a small amount of supporting office (E(g)(iii)) space on a mezzanine at first floor level. The units are of varying sizes being suitable for general and light industrial, manufacturing, processing and/ or storage/ distribution uses but they are generally smaller units than units 1-7 on Phase 1 and 2.
- 9.29. The applicant indicates that the current proposal could accommodate around 255-720 jobs although given that there is likely to be a range of occupiers, that the most likely number of jobs would be within the 300-400 number range. The proposed numbers would likely be slightly less than this now given that the smaller units are no longer part of the scheme and the uses most likely within such smaller units (i.e., B2 rather than B8) tend to have greater job densities. The exact number of jobs the scheme could generate cannot be provided at this stage. However, the proposal would generate jobs within a range of job types, and this would contribute to the Policy requirements in this respect beyond those from Phases 1 and 2. This is assessed as a moderate beneficial effect at the local scale in the Socio-economic chapter of the ES.

Conclusion

- 9.30. Policy ESD1 confirms that in mitigating the impact of development within the District on climate change, that growth will be distributed to the most sustainable locations as defined by the Local Plan. Bicester is one such location. Land at NW Bicester is allocated by Policy Bicester 1 for a mixed use zero carbon development with employment uses allowed for, partly to enable job opportunities to be provided within proximity to new residential uses and therefore be easily reached by sustainable modes.
- 9.31. Policy Bicester 1 refers to a minimum of 10ha of employment land focussed at Howes Lane and Middleton Stoney Road. The existing employment site exceeds this, and the current proposal would provide for further employment land. The land proposed for the development is identified as for residential and green infrastructure uses. Whilst the SPD is not Policy and its aim is to provide further detail to the policy and a means of implementing the strategic allocation, Policy Bicester 1 does refer to the need for planning permission to be granted only in accordance with a comprehensive Masterplan for the whole area to be approved by the Council as part of a NW Bicester SPD. In addition, the land uses proposed would include just small areas of Class E(g)(i) (office space) with the uses proposed as a flexible mix of uses between classes E(g)(iii), B2 and B8. For these reasons there is some conflict with Policy Bicester 1.
- 9.32. However, the proposal for additional commercial development would result in the provision of additional job opportunities within a sustainable location close to areas of the site allocated for residential uses and this would therefore support the aims of the Eco Town. In addition, the use classes proposed would be complementary to the uses allowed on Phases 1 and 2 to the south and the size of the units being generally smaller would provide for an additional type of space.
- 9.33. The applicant's submission demonstrates that there has been excellent take up of the units on the first phases and that demand continues for this type of employment space

and in this location. Their advice considers that pre-lets are likely given the demand. This position is confirmed as being the understanding of the Council's Economic Development Team. The NPPF confirms that planning policies should be flexible enough to accommodate needs not anticipated in the Plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

- 9.34. It is acknowledged that the proposal would result in the loss of land for residential uses. Officers are not convinced that it could defend a reason for refusal which sought to protect the residential land in principle. This is because the number of residential dwellings allowed for on this site is relatively modest and there is a reasonable prospect that those numbers could be accommodated elsewhere across the wider allocated site. In addition, whilst the site currently benefits from outline permission for residential uses, this does not preclude the developer applying for an alternative proposal which must be considered on its merits.
- 9.35. As considered above, whilst the proposal for employment uses would create some conflict with Planning Policy, it would also bring some benefits that must be given weight in the planning balance. Officers therefore consider that it may be possible to conclude that the scheme is acceptable in principle subject to the consideration of all other matters.

Transport

Policy Context

- 9.36. The NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development proposals should promote sustainable transport, ensure safe and suitable access can be achieved and mitigate any significant impacts to an acceptable degree.
- 9.37. Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. At NW Bicester, and as confirmed by Policy Bicester 1 and the NW Bicester SPD through a series of development principles, the achievement of modal shift, infrastructure to support sustainable transport and for development to facilitate the provision of new strategic infrastructure (including contributions towards it) are clear requirements.

Appraisal

- 9.38. Policy Bicester 1 identifies that changes and improvements to Howes Lane and Lords Lane are required to facilitate the integration of new development with the town. The NW Bicester SPD identifies a re-aligned route for the A4095 further to the west from its current alignment. The SPD explains that this proposal would provide for a strategic route, allow for improved walking and cycling opportunities, be designed into the development and, alongside a new vehicular bridge (already installed) would result in a solution to the heavily constrained Howes Lane/ Bucknell Road/ Lords Lane junction.
- 9.39. Oxfordshire County Council have historically and consistently advised the District Council that the Howes Lane/ Bucknell Road/ Lords Lane junction does not have capacity for development at NW Bicester past a certain level of development until the realignment to the A4095 is completed and opened to vehicular traffic. In 2014 the performance of the existing junction was modelled, and this predicted a level of trips that could be accommodated in advance of the strategic infrastructure being provided

(which was used to work out development thresholds – 900 dwellings (including 393 at the Exemplar phase) and proportionate employment).

- 9.40. Until the end of 2021, Officers had relied upon this work as a reasonable indication of transport impact because there was a level of certainty that the realigned Howes Lane would be provided within a reasonable timescale. This was based upon the fact that when A2 Dominion advised the Councils that they were no longer able to progress the strategic infrastructure project, Oxfordshire County Council stepped in. This resulted in the delivery of two structures under the railway line (a pedestrian underpass and a road bridge) utilising forward funding and, following the delivery of these features, continuing work to progress the design of the road infrastructure with the intention to deliver the project using Oxfordshire Growth Funding. In the circumstances, Officers have therefore recommended Grampian planning conditions to restrict development beyond certain defined points until the road is provided and opened to vehicular traffic. The Planning Practice Guidance provides guidance on the use of Grampian planning conditions. It advises that such conditions (which prohibit development or a certain trigger point of a development happening (i.e., occupation) until a specified action has been completed (i.e., the provision of supporting infrastructure) should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission.
- 9.41. At the end of 2021, recommendations were made to the Future Oxfordshire Partnership to re-allocate the Oxfordshire Growth Deal funding from this project to elsewhere in Oxfordshire due to concerns around the level and timing of housing delivery and the required timescales to spend the funding. The OCC Cabinet endorsed the recommendation, and the funding has been re-allocated.
- 9.42. In this situation, where there is now no certainty of the delivery of the strategic infrastructure, OCC have advised in relation to this application that the original work from 2014 to establish potential capacity in advance of the strategic infrastructure cannot be relied upon given it is over six years old and was based upon a traffic model that did not include development at Upper Heyford. It also means that it would not be reasonable to impose a Grampian condition in the current circumstances.
- 9.43. The original outline permission which has been implemented for the Albion Land site (14/01675/OUT) includes a Grampian planning condition which (in its amended form, having been agreed via an application made under S73 of the Town and Country Planning Act 1990 (as amended)), allows for all of the commercial development to be occupied (but with restrictions relating to floorspaces used for certain use classes) but it restricts the occupation of any of the approved residential development until the realignment of the A4095 has been completed and opened to vehicular traffic. As explained earlier, the land benefiting from outline permission for residential uses is the land subject to this application (partly in its amended form).
- 9.44. The applicant's original submission (relating to the whole site, prior to the site plan being amended) included a transport assessment (TA) which, assessed the impact of the development for the future year 2031, using a 2018 scenario of the Bicester Transport Model. The scenario included most committed development including that at Upper Heyford and assumed that the re-aligned strategic infrastructure would be in place. The impact was then used against the 2014 work which, as explained above, established a potential capacity in advance of the road infrastructure to conclude that, in summary, the development could be completed and occupied prior to the opening of the strategic infrastructure, as it could utilise available highway capacity due to other developments across NW Bicester not having come forward.
- 9.45. As well as the fact that there is no certainty over the realigned strategic infrastructure, OCC objected to the proposal on the grounds that there would be severe congestion

at the junction of Howes Lane/ Bucknell Road/ Lords Lane. They also raised some other concerns with the 2031 assessment including that traffic from the approved Great Wolf resort at Chesterton was not included. There was acknowledgement that the proposal would generate less traffic than the permitted residential development but there would be a higher proportion of HGVs. It was also acknowledged that if the proposals were accepted in advance of the road infrastructure, that this would reduce the number of dwellings that could be occupied across the site which would need to be considered in the context of live planning applications for dwellings (albeit as above, the position has now changed in any event).

- 9.46. Initially, the applicant put forward a proposal for a restriction of a certain level of floorspace to be used for B8 warehousing only until the opening of the realigned road. In effect, this would have restricted those units on the western parcel to B8 use only until the road infrastructure were provided. This would have resulted in a much lower number of trips as trip rates associated with B8 uses are much lower than other industrial uses. OCC had a number of queries with the submitted information and the way the impact had been assessed.
- 9.47. Consequently, and responding to Officer comments regarding the design of the development, a further technical addendum was submitted. This used a newer version of the Bicester Transport Model with the removal of the SLR and including only committed development across NW Bicester (in accordance with the AMR, 500 dwellings). This modelled a fully flexible (Use Classes E(g)(iii), B2 or B8) development. This identifies just 4 additional trips in the AM peak and 4 trips in the PM peak through the Bucknell Road/ Howes Lane junction. OCC have verified the detailed submission and agreed that this level of additional trips through the junction would not be severe, and their objection has been removed. They confirm that a Grampian condition would not therefore be required (but as explained above, this would not be possible to impose in any event now).
- 9.48. The application acknowledges that there would be a requirement for HGV site traffic to be routed to the south to avoid the existing Howes Lane/ Bucknell Road/ Lords Lane junction prior to the strategic link road being opened in this respect.
- 9.49. The access proposals for the site are to take vehicular access from the Middleton Stoney Road and Empire Road with part of the strategic link road (re-aligned Howes Lane) (SLR) itself proposed with right turn lanes included. This arrangement is stated to be a temporary arrangement until the route for the strategic road (in its currently approved form) is provided. Once the strategic road is realigned, Empire Road would become a cul-de-sac with access to the current proposed units (and the small units existing on Phase 1) to be taken from the realigned Howes Lane. The proposals would not prejudice the delivery of the rest of the strategic road in its approved form in this area. The land required to the south and west is protected by licence arrangements through the original permissions for the site and OCC have requested that via the S106 for this site, that those arrangements continue to be secured.
- 9.50. The design of the SLR element was subject to discussion with OCC Officers to ensure consistency with the SLR design that was previously being progressed by OCC. Through the application process, OCC have confirmed that the carriageway width and the layout, with right turning lanes would be suitable for the nature of the road. Amendments were also made to the pedestrian/ cycle provision on the west side of the SLR through the application process to provide for a segregated 3m cycleway and 2m footway taking into account guidance in LTN1/20 (the cycleway to the eastern side has also been proposed at 3m wide now).
- 9.51. OCC also raised some detailed points regarding the design of the road infrastructure in terms of pedestrians and cyclists. In most cases these have been resolved,

however a refuge at the western access has not been requested further as it was acknowledged that this could not be accommodated without widening the bellmouth significantly which was not considered to be desirable.

- 9.52. Following the receipt of amended information, OCC have now confirmed that the proposals for access and the design of the section of the SLR is acceptable.
- 9.53. The site is arranged with service yards and parking provided to the front of the proposed buildings. HGV tracking has been undertaken for these and also for the permanent and interim access arrangements. OCC have not raised an objection in this respect.
- 9.54. The TA explains that the site would be linked to the wider network via proposed walking and cycling routes some of which exist following the implementation of the Axis J9 scheme. OCC initially raised concern with the proposals for accessibility, particularly pedestrian and cycle accessibility to the residential area to the west. OCC sought the provision of a crossing of Howes Lane, and this was sought to connect through to the public footpath linking through to Wansbeck Drive which was part of the proposals secured via the residential permission for the site. This has been subsequently proposed via the provision of a signalised toucan crossing of Howes Lane and, following some amendments, has been concluded to be acceptable by OCC. It is understood that detailed matters such as required lighting could be dealt with at the technical highway approval stage.
- 9.55. In the interim period, bus accessibility would be via the Middleton Stoney Road or accessing across Howes Lane to the residential area of Bicester (now that a crossing is proposed). If the strategic link road is built on its approved link, then bus services would be available from that road. OCC raised some comments regarding the position of bus stops to ensure they are taken account of in the design (for example cycle bypasses would be required for the shelter in accordance with LTN1/20). OCC have accepted that the bus stops are likely to be positioned further west rather than there being a need for bus stops on this section of the strategic link road.
- 9.56. Parking provision is provided for each of the proposed commercial units. Whilst OCC initially raised some concern over the levels proposed and the positioning of cycle parking as part of the scheme, through the amended scheme, the proposals have been, latterly, concluded to be acceptable. 10% of parking spaces are proposed to be provided with electric vehicle charging with provisions made to increase this to 25%. OCC state that 25% of spaces should have EV charging facilities so there would need to be a condition to provide this by an agreed date.
- 9.57. A Framework Travel Plan accompanies the application which aims to encourage employees to travel to and from the site via sustainable modes and which aims to therefore support the site meeting the modal shift target of 60% of trips made by non-car modes in the longer term. OCC have made a couple of minor comments regarding the plan including that the mode share targets are not ambitious and that contact details for the interim travel plan co-ordinator are required. It is also set out that Units 4 and 5 would require their own travel plan in line with the framework travel plan. A condition is recommended.
- 9.58. S106 obligations are requested for various mitigation measures, most of which replicate matters secured via the residential permission for the site. These are detailed further and explained in Appendix 1.
- 9.59. The Environmental Statement, using the original TA as summarised above, concludes that during the construction stage, a Construction Traffic Management Plan (sought via condition) would be appropriate mitigation for potential construction traffic impacts

and the impacts then would be modest and negligible. For the operational stage, the ES concludes that the access arrangements would be appropriate, that there would be no need for mitigation in traffic impacts terms and that the development access junctions would operate satisfactorily and would cause no significant effects. Minor beneficial effects are predicted for pedestrians and cyclists due to the facilities proposed.

Conclusion

- 9.60. It is appropriate to note that this proposal does seek to bring forward development in advance of the provision and opening of the strategic infrastructure. However, due to the withdrawal of funding away from that scheme and therefore the limited certainty as to how that will be delivered, the approach to considering the transport impacts at NW Bicester must be considered afresh. At the moment, it would not be appropriate to impose Grampian conditions to restrict development until that infrastructure is delivered and therefore a decision as to whether the impact of the development would be severe in impact terms (as defined by paragraph 111 of the NPPF) must be taken. On the basis that the proposals, as demonstrated through the submitted information and which has been assessed as being acceptable by OCC, would result in 4 trips through the Howes Lane/ Bucknell Road/ Lords Land junction, Officers would agree that this could not result in a conclusion that there would be a severe transport impact.
- 9.61. The other elements of the proposal have been considered in detail including the main access arrangements, the cycling and walking infrastructure proposals and the access to public transport. OCC have raised no objection to the scheme and Officers agree that these measures would contribute towards the site moving towards a modal shift for transport in accordance with the requirements for Policy Bicester 1. Planning conditions and obligations can be used to secure the requirements to mitigate the impact of the development as part of the Masterplan for the site and to secure any required mitigation as set out through the Environmental Statement.

Landscape and Visual impacts

Policy Context

- 9.62. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.63. Policy Bicester 10 of the CLP 2031 Part 1 sets out the requirement for development proposals to be accompanied and influenced by landscape/ visual and heritage impact assessments and it requires structural planting and landscape proposals within the site to include retention of existing trees and hedgerows and to limit the visual impact of new buildings and car parking on the existing character of the site and its surroundings.
- 9.64. Policy Bicester 1 refers to the need for 40% of the total gross site area to comprise Green Infrastructure with at least half to be publicly accessible which is to form a network of well-managed, high-quality green/ open spaces which are linked to the open countryside. As part of the key site-specific design and place shaping principles for the site, the requirement for development to respect landscape setting and to allow for a well designed approach to the urban edge which relates development at the periphery to its rural setting, affords good access to the countryside and which minimises the impact of development when viewed from the surrounding countryside.
- 9.65. The NW Bicester SPD refers to Green Infrastructure and Landscape and sets out again the requirement for 40% Green Infrastructure and gives guidance on tree

planting, development edges and hedgerow and stream corridors (the latter requiring a 20m buffer to retained and reinforced hedgerows – 10m either side).

- 9.66. The National Planning Policy Framework, as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Assessment

- 9.67. The application is accompanied by a Landscape and Visual Assessment as part of the Environmental Statement. This considers the landscape context of the site and how it responds to identified characteristics with reference to its classification within landscape types in National and Local landscape work. The LVIA explains that mitigation for the site has been embedded within the design of the development including the proposed height and location relative to hedgerows, with the proposals for landscaping of the site including the provision of mounds to raise the planting and increase its effectiveness. The landscaping aims to screen, filter and soften views of the development. The Council's Landscape Officer has confirmed that the LVIA is generally acceptable.
- 9.68. The LVIA acknowledges that during the construction phase, the impact on landscape character and visual amenity is likely to be major adverse albeit temporary in nature and mitigation measures (to be outlined within the CEMP) would reduce the impacts. The ES concludes that for the completed development, the site itself would experience substantial landscape effects, albeit it is noted that this is likely from most types of development and the site is allocated for development in principle. For other receptors, the landscape effects would be moderate/ minor adverse, but mitigation is proposed in the form of landscaping. The report finds that with existing development and significant vegetation, that the visual effects of the development would be generally negligible, but it is acknowledged that there would be greater impacts (moderate major adverse impacts) to local residential properties and to the west of Bicester and users of the local rights of way in terms of visual impact. The assessment also concludes that there are likely to be moderate adverse impacts on landscape character and visual amenity due to lighting taking into account mitigation in the form of limiting lighting to where it is necessary, the use of appropriate shrouds, angled fittings and low energy light fittings and the use of planting. Overall, it is concluded that the proposals can be integrated without substantial harm to the character of the landscape and visual context and that effective mitigation can be implemented to reduce effects.
- 9.69. It is notable that the LVIA has not been updated to reflect the amended scheme, although as it relates only to development on the land to the west of SLR alignment, it is considered likely that the impacts would be lessened in terms of receptors to the west of Bicester compared to the conclusions of the LVIA.
- 9.70. A Green Infrastructure Plan accompanies the planning application, and this demonstrates that 44.86% of the site can be delivered as Green Infrastructure. This includes the verges, footways and cycleways and part of the SLR road (which, following this being queried by Officers is explained as that this would effectively be replaced by the existing Howes Lane once the SLR is open and Howes Lane is closed, which seems a reasonable compromise). The Green Infrastructure also includes the areas for landscaping (and bunds) as well as SuDS.
- 9.71. The NW Bicester SPD requires 10m buffers either side of retained hedgerows. The Masterplan uses the existing field boundaries to give the layout of the proposed development structure, and this also recognises their landscape importance and contribution to biodiversity and habitat. The buffers therefore protect these features

and gives space for them to be reinforced and enriched. The development allows for these buffers to existing vegetation to the west and north albeit which the edges of the buildings are further than 10m, bunds and service areas are included. Landscaping is also proposed in these areas.

- 9.72. The Landscape Officer has raised some comments regarding the landscape scheme (assessed below) but as reported above, considered the conclusions of the LVIA to be acceptable. A comment was made regarding the space allowed for at the north of the site and the ability to accommodate sufficient landscaping here. The agent has pointed out that the proposal complies with the previous parameter plan relating to the residential scheme and it allows for the 10m albeit the scale of the development and the built form would be different to a residential proposal. Nevertheless, the Masterplan shows a road and non-residential uses to the north of this site and therefore Officers conclude that sufficient space is allowed for to include landscaping that would soften the scheme until adjacent development is provided for in the future.

Conclusion

- 9.73. On the basis of the above, Officers are content that the proposal would be acceptable from a landscape and visual point of view. The proposals have been designed with mitigation inherent to reduce the impact of the proposals and with a scheme of landscaping, the proposals will be mitigated in an appropriate way. The buildings would be large and have a commercial appearance and this is acknowledged, but taking into account their context, adjacent to existing commercial uses and within an area likely to see significant change given an allocation for a large mixed-use scheme, the proposal is considered to be acceptable in landscape and visual terms and therefore to comply with the above mentioned policies.

Design and Impact on the Character of the Area

Policy Context

- 9.74. Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 sets out that development will be required to meet high design standards and to complement and enhance the character of its context. It has a number of criteria which are used to assess development proposals. Policy Bicester 1 includes a number of key site-specific design and place-shaping principles which, amongst others requires a high-quality exemplary development and design standards, a well-designed approach to the urban edge which relates development to its rural setting and to respect its landscape setting whilst incorporating open space (40% of the site) and landscaping. It also states that there is a need for careful design of the employment units to limit adverse visual impact and ensure compatibility with surrounding development.
- 9.75. The NPPF emphasises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The importance of design has been heightened and there is a fundamental role to the planning process in creating high quality, beautiful and sustainable buildings and places.
- 9.76. The NW Bicester SPD includes various development principles, but it also emphasises that sustainability should be a key driver in the design of the eco-town and that proposed development should create a unique image for the eco-town. For the commercial uses at Middleton Stoney Road/ Howes Lane, the SPD confirms that buildings will be in a high-quality landscape setting with high quality offices providing research and development facilities. The height of development in this area of the site is also considered with the need for heights to be carefully considered to recognise the prominence of the location and which should relate to the residential neighbourhood nearby.

Assessment

- 9.77. The design approach generally follows the agreed approach for phases 1 and 2 which helps to create a cohesive scheme. The materials palette which is described as assisting in reducing mass is also consistent with Phases 1 and 2. The buildings are designed to include a simple colour palette as well as some features to create interest such as the rainscreen cladding and project fin 'brise soleil' features which is used on key elevations on Phases 1 and 2. The office elements of the buildings would also be heavily glazed with good natural lighting and natural lighting is also provided to the large workspaces by rooflights. Some minor amendments were made through the application processing to the design of the buildings to increase interest and improve the design of the buildings.
- 9.78. The layout of the development is such that the sides of the units and parking areas are proposed to be positioned adjacent to the strategic road. This follows the layout of Phase 1 to the south albeit would sit closer to the SLR and is less well buffered by landscaping and drainage features. The service yards are set back from the SLR though as car parking is provided which would be less visually inappropriate in the view of Officers. The side of the buildings adjacent to the SLR includes the projecting fin features and the office spaces to generally give activation and interest along this elevation.
- 9.79. The submission explains that the design approach has been to create a legible development that is easily accessible by all modes of transport to the site. The access arrangements are covered elsewhere within this report. The position of SuDS ponds (subject to agreement of the drainage scheme) are located adjacent to the strategic road and this would contribute to the landscape setting of the scheme providing they are appropriately landscaped. The external finishes of the site and materials proposed also generally follow the approved palette for Phases 1 and 2.
- 9.80. Refuse storage is proposed to serve each unit and are positioned within the service yards for each commercial unit. This means they are not prominent within the street scene, especially when viewed from the public domain and in the future. Cycle storage is also proposed for each unit, and these are positioned within the car parking areas and close to the entrance of each building. The cycle shelters are proposed to accommodate high rise stands and cycle hoops with a curved and angled roof arrangement.
- 9.81. PV panels are proposed to be provided on the buildings on the southern elevation of the building (as shown on the roof plan for each building). This is acceptable and their visual presence would be a suitable feature on an eco-town whereby they are relied upon as part of the strategy to achieve true zero carbon. Air Source Heat Pumps are also proposed but these are not demonstrated on the plans with regard to the position or their appearance. Further details can be sought via condition prior to their provision.
- 9.82. Fencing is not shown as being required on the site other than the provision of a 2.5m high acoustic fence to the western side (as required by the noise assessment). Officers anticipate that some form of boundary treatment may be required to secure the service yards and between the yards. A condition is proposed to secure the position of the fencing.
- 9.83. A scheme of landscaping is provided. The Council's Landscape Officer has raised some continuing comments on the landscape scheme. On this basis a condition is recommended to secure an amended landscape scheme with a soft landscape implementation scheme also required. The plan would also need to be labelled to show which plant species are proposed where.

- 9.84. A Landscape Management Plan has been submitted, however there are some outstanding comments made by the Council's Landscape Officer (including the time period for which the Plan lasts for and the need for the latest landscape plan to be appended to it) and therefore a condition is recommended to secure a further Landscape Management Plan.
- 9.85. The Thames Valley Police Design Advisor has raised some comments regarding building security and measures that would be needed for security. It is proposed to include a planning note to draw the applicant's attention to this response to ensure that these detailed matters, some of which are not necessarily a level of detail that the Planning Authority would require (i.e., the type of roof lights, visitor entry systems, roller shutters) can be considered. The point around securing the fire escape routes could be covered by the proposed condition relating to boundary treatments should that be determined as being necessary.

Conclusion

- 9.86. The proposed development is considered acceptable from a design point of view and therefore its impact upon the character of the area. The scheme follows the design approach of Phases 1 and 2 and therefore would be an appropriate addition in the context of this scheme. In this respect, the proposal is considered to comply with the above-mentioned policies.

Residential Amenity

- 9.87. One of the key site-specific design and place shaping principles, as set out by Policy Bicester 1 of the CLP 2031 Part 1, is for proposals to comply with Policy ESD15. Policy ESD15 requires that new development proposals should consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space. The NPPF also requires that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 9.88. In its amended form, the proposed buildings are some way from the closest residential properties which back onto Howes Lane. At its closest point, there is a distance of over 115m from the side of any of the proposed buildings to the edge of Howes Lane on its eastern side (with gardens and then dwellings beyond). Given this distance and the approved parameter plan for this area allowed for heights of up to 16m alongside the strategic road and on the north of the parcel (although height was approved as being no higher than 12m west of this), it is considered that the proposal would have limited impacts upon the residential amenity of existing residential properties to the east. To the north of the site, the Masterplan indicates non-residential uses including education provision as well as community/ retail uses and so the opportunity for unacceptable impacts upon residential amenity is minimal.
- 9.89. Other elements of the scheme including the provision of a section of the strategic infrastructure and pedestrian/ cycle crossing of Howes Lane which is closer to the existing residential properties are also unlikely to cause undue harm to amenity. Impacts upon amenity via environmental considerations such as noise are considered elsewhere within this report.
- 9.90. On the basis of the above, Officers are satisfied that the impact upon the residential amenity of nearby properties is acceptable and Policy ESD15 is complied with in this respect.

Ecology Impact

Policy Context

- 9.91. Policy ESD10 of the CLP Part 1 2031 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco town standards to achieve a net gain and to mitigate and enhance.
- 9.92. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.

Assessment

- 9.93. The Environmental Statement includes a chapter (and associated appendices) on Biodiversity, which considers the surveys and other background work and updates this where appropriate. It concludes that providing mitigation measures in the form of a Construction Environment Management Plan (CEMP) (setting out specific measures for specific species) and a Landscape Ecology Management Plan (LEMP) is put in place as well as tree and hedgerow protection measures, that any impacts during the construction phase can be considered negligible and not significant. For the completed development stage, there are no significant effects predicted given the provision of Green Infrastructure and habitat creation, the provision of hedgerow buffers and its enhancement and management via the LEMP as well as a sensitive lighting scheme and other biodiversity enhancement measures such as bat bricks and boxes and bird nesting boxes. The Council's Ecologist has not raised an objection to the submitted information subject to the imposition of conditions.
- 9.94. As an appendix to the ES, a biodiversity impact assessment calculator is appended. This concluded that very small gains for biodiversity were possible for the scheme, however as reported, the Council's Ecologist advised that the net gain likely would be minimal. It was advised that a higher level of net gain for biodiversity should be secured especially in light of the Council's adopted corporate position to seek a 10% gain for biodiversity.
- 9.95. Subsequently, an updated net gain calculation has been submitted, relating to the amended scheme, which has reconsidered the landscape proposals to maximise their biodiversity benefits, and this sets out that a net gain can be achieved (presented as biodiversity units) which is understood to represent a net gain of around 5.5% that could be achieved. Whilst this falls short of the Council's position to seek a 10% net gain, this position is not required by Planning Policy yet and the requirements of the Environment Bill are not yet mandatory. Policies Bicester 1 and ESD10 refer to a net biodiversity gain only, and, in this respect, the proposal complies with the policy requirements.
- 9.96. The ES acknowledges the conclusions of the Strategic Environmental Report for NW Bicester Ecotown which concluded that the overall adverse effect of the wider ecotown development on farmland bird cannot be mitigated on site with a significant adverse impact likely at the County level. A fund is proposed to secure off-site compensation to mitigate for this impact. The application acknowledges and agrees to make the relevant financial contribution (detailed in appendix 1).

Conclusion

- 9.97. The Council's Ecologist is satisfied that subject to the imposition of conditions to secure mitigation and careful working practices, that the proposed development would be acceptable in respect to the impact upon any habitats or protected species and that they would be safeguarded. The Council's duty under the Conservation of Habitats and Species Regulations 2017 is therefore met and has been discharged.
- 9.98. A net biodiversity gain has been demonstrated as being achievable, although the Council's Ecologist does consider that how this is achieved must be considered via the Landscape Ecology Management Plan to ensure that a net gain can be achieved. The contribution towards offsite mitigation towards farmland birds is also relevant in this respect.
- 9.99. On this basis, the proposal is considered acceptable in ecological terms and compliance would be possible with the above-mentioned planning policies.

Drainage and Flood Risk

Policy Context

- 9.100. The NPPF states at paragraph 167 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 169 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.101. Policy Bicester 1 of the CLP 2031 Part 1 requires that proposals should include a flood risk assessment, that development should not be provided in areas of flood risk and sustainable urban drainage should be provided in accordance with ESD7 (the policy acknowledges that SUDs would be part of the Green Infrastructure).
- 9.102. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 9.103. The FRA finds the site to be in Flood Zone 1 and therefore at limited risk of flooding. The drainage proposals are designed for a 100-year event + 40% climate change and therefore is designed for future climate scenarios. The scheme consists of a combination of traditional piped drainage systems and SuDS with swales proposed linked to those already present serving phase 2. Water quality measures (such as a petrol interceptor for each yard area) are included as appropriate. The surface water runoff is controlled to less than greenfield run off rates and then outlet (at a previously agreed rate of 30 seconds/ litre) to an existing ditch adjacent to the roundabout at the junction of Middleton Stoney Road and Howes Lane. Other SuDS measures include permeable paving, petrol interceptors and flow control devices. The FRA sets out that the SuDS measures and restricting outflows from the site to less than greenfield run off rates would ensure impacts elsewhere would be avoided. Indicative proposals are also put forward as a drainage strategy for the SLR. The FRA also includes a management and maintenance plan.
- 9.104. At the time of writing this report, there is an outstanding objection from the Lead Local Flood Authority. A re-consultation is underway in respect to an amended FRA and a response is anticipated prior to Committee and will therefore be reported

through the updates. It is understood that the objection relates to the detailed surface water scheme and that this is likely to be resolvable.

9.105. The Cherwell District Council Land Drainage Engineer has commented on the proposal and is generally satisfied. He has also clarified that as the proposals for surface water drainage are to drain to the south and not through the Howes Lane culvert, which it is understood to be partially blocked, then the risk to adjacent properties from flooding (which has happened over recent years) would not be increased from this development. The ditch to the south which would take the surface water associated with this site has trees within it which may cause blockages and therefore flood risk, therefore this would need to be monitored.

9.106. For foul drainage, flows are to be directed to a new independent gravity system which is to discharge to an existing foul manhole in the northeast corner of the site. Thames Water, through an amended response, have confirmed that there is no need for their originally suggested condition related to sewage infrastructure.

Conclusion

9.107. Whilst it is not possible to confirm that this matter is resolved at the time of writing, it is anticipated that a suitable surface water scheme would be achievable (either the current scheme as submitted and being considered or through an amendment that could be dealt with prior to the determination of the application) and that the above-mentioned Policies would therefore be complied with.

Eco Town Standards

9.108. The Eco Town Standards, which were part of the now cancelled Eco Towns Supplement to PPS1, were incorporated into Policy Bicester 1 and amplified by the NW Bicester SPD. These include several standards higher than other sites to ensure the provision of a sustainable development that responds to the impact of climate change and that is built to true zero carbon standards (defined as 'over a year, the net carbon dioxide emissions from all energy use within the buildings on the development as a whole are zero or below'). Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 are complementary and apply District wide to ensure sustainable development. By meeting the high standards required by Policy Bicester 1, compliance will also be likely with Policies ESD1-5 given that the site is in a sustainable location, it includes features that ensure it is resilient to climate change, it has been provided with transport infrastructure to encourage sustainable options, sustainable drainage features are proposed, and it meets true zero carbon standards.

True zero carbon and climate change adaptation

9.109. A Sustainability Statement has been submitted in support of the application relating to the original proposal (it has not been updated to reflect the amended scheme). This concludes that the scheme achieves true zero carbon development taking into account regulated and unregulated emissions by implementing passive design solutions (increased building fabric efficiency with high levels of insulation and good airtightness), high efficiency air source heat pumps and PV. This, in the same way as for Phases 1 and 2, relies on the warehouse elements of the buildings being unheated, with the office spaces only benefitting from heating and cooling (via air source heat pumps).

9.110. As mentioned above, PV is proposed. This is positioned on the southern aspect of the buildings and does not cover the whole roof slope (Officers have raised a query as to whether the area set aside on the roof plans aligns with what is identified as being required via the Sustainability Strategy, so this is outstanding at the time of writing this report). Policy ESD5 mentions the requirement for significant on-site

renewable energy provision, and this is met by this development in that sufficient PV is provided (subject to confirmation), alongside other energy efficiency measures to meet the true zero carbon requirement. In addition, this is incorporated alongside minimising energy consumption by utilising high building standards and the need to incorporate roof lights which allow natural light to penetrate the buildings and therefore avoid the need for artificial lighting.

- 9.111. The Sustainability Statement considers the Ardley Energy Recovery Facility and notes that there is currently no information that suggests a heat network would be possible, but that service ducts capable of supporting heating mains from the site boundary to the buildings would be provided should this be possible in the future. The submitted information also seeks to target BREEAM 'Very Good' level with the future capability of achieving 'Excellent' in accordance with Policy ESD3 and Policy Bicester 1. A staged condition approach is suggested to ensure this is confirmed within appropriate timescales.
- 9.112. In response to requirements of Policy Bicester 1 relating to real time energy monitoring systems and real time public transport information, the Sustainability Statement identifies that energy metering will be provided and that this will be viewable via a web-based platform that allows for feedback to be provided. Various equipment is stated as being required to enable the system. The information provided appears to be the same system accepted for Phases 1 and 2. Details of real time public transport information can be secured via condition.
- 9.113. Embodied carbon is also mentioned within the Sustainability Statement, and this is part of the BREEAM process. Materials being locally sourced would also be desirable. On the basis that the proposed materials have been assessed and considered acceptable by Officers and they follow those approved on Phases 1 and 2, no further information is sought in this respect.
- 9.114. The DAS explains that the methods introduced to mitigate climate change include using building orientation and solar shading to maximise daylight and control sunlight entering the buildings, reducing water use, the provision of refuse points, car charging points. Landscape proposals and SuDS would also contribute to climate change measures.
- 9.115. It is acknowledged that Bioregional raised a few points and additional information has not necessarily been sought in some respects. This is on the basis that the information submitted is consistent with the information accepted for Phase 1 and 2 and it is proportionate for the development applied for. For example, a query has been raised over u-values, yet these are consistent with those accepted for Phase 1 and 2. Whilst a carbon management plan is not submitted, it is anticipated that the information to be included in such a statement is covered in, for example, the sustainability strategy. A carbon management plan would usually set targets for reducing carbon emissions and set out how carbon emissions would be reduced. This is covered by the sustainability strategy which in itself is agreed to meet the true zero carbon level (subject to confirmation regarding the level of PV) despite the queries raised over the detail of the calculations. Information on allowable solutions is sought but as the site achieves true zero carbon on site, this is not considered to be necessary in this case. Other matters can be secured via condition such as securing BREEAM 'Very Good' level, the requirement for real time information and the need to consider overheating.
- 9.116. The Environmental Statement identifies that Green House Gas would increase and therefore significant impacts would arise (which would likely be true of any development) however it is noted that national policies to decarbonise energy generation and road transport (and the take up of electric vehicles for example), would

reduce impacts. In addition, mitigation measures identified for the site including minimising materials with high embodied carbon, implementing best practice measures for construction as well as constructing the development to BREEAM Very Good rating, implementing Travel Plans and providing for electric vehicle charging and energy efficient design measures and renewable technologies to achieve true zero carbon development would minimise impacts acceptably. Climate change resilience measures are also implemented to ensure the development is adapted to future climate scenarios.

Healthy Lifestyles

9.117. The NW Bicester SPD includes 'Development Principle 7 – Healthy Lifestyles', which requires health and wellbeing to be considered in the design of proposals. Facilities should be provided which contribute to the wellbeing, enjoyment and health of people, the design of the development should be considered as to how it will deliver healthy neighbourhoods and promote healthy lifestyles through active travel and sustainability. The green spaces should provide the opportunity for healthy lifestyles including attractive areas for sport and recreation as well as local food production. The NPPF confirms that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

9.118. The opportunities for a wholly commercial scheme to contribute to healthy lifestyles is somewhat limited, however the proposal would provide for green infrastructure and would provide a network of footways/ cycleways that would allow for suitable connections until the rest of the development comes forward which this would link to. As described above, footway/ cycleways along the strategic link road have been widened in response to feedback from OCC through the application process. This would contribute towards the ability for residents and employees of the commercial units to make healthy and active lifestyle choices.

Local Services

9.119. The NW Bicester SPD contains 'Development Principle 8 – Local Services'. This principle requires facilities to meet the needs of local residents with a range of services located in accessible locations to homes and employment.

9.120. The Master-planned approach to the NW Bicester site has enabled the distribution of local services to be planned taking into account accessibility to housing. In accordance with the Masterplan, facilities are located to the north of the current site. This would mean that local facilities would be accessible to employees of the proposed employment site. On this basis, the site would be close to local services and therefore could be accessed via sustainable modes.

Water

9.121. Bicester is located within an area already experiencing water stress and one of the key known future climate impacts for Bicester is the potential for further water stress. Development principle 10 of the SPD refers to water and identifies that proposals should aspire to water neutrality and that development proposals are required to be ambitious in terms of water efficiency.

9.122. Bioregional identify that a Water Cycle Study is not provided but this matter is considered in the Sustainability Statement which details that whilst water neutrality would be very difficult, the units would aim to achieve reductions in water consumption via the use of water efficient sanitaryware and fittings, details of which are provided. These features would also be part of the BREEAM assessment in achieving a 'Very Good' rating. A condition can be included to ensure that the proposals to include water efficient measures are implemented. Other matters that a Water Cycle Study would

typically involve (such as water quality) are covered within the Flood Risk Assessment.

Waste

9.123. Development principle 12 of the SPD refers to waste. It sets out that planning applications should include a sustainable waste and resources plan which set targets for residual waste levels and landfill diversion which should ensure that zero waste is sent to landfill from construction, demolition and excavation.

9.124. With regard to the construction phase, the Environmental Statement in Chapter 6 (Construction) identifies that spoil from construction works will be re-used on site for mound construction and landscaping and that there is the intention that in order to achieve the BREEAM 'Very Good' rating, that waste would be minimised, re-used and recycled before any waste is disposed of at landfill. Other factors such as using prefabricated units where possible and utilising working methods such as not over-ordering materials and organising materials to be delivered as they are required amongst other measures would also be implemented. Such matters would be covered in the Construction Management Plan.

9.125. For the operational stage, waste storage is provided for each unit within designed-in storage points.

Community and Governance

9.126. The SPD explains that Community and Governance is a key development principle which would contribute towards the creation of a balanced and mixed community and that an approach is required to ensure the development retains its integrity, continues to meet eco-town standards and to ensure that appropriate Governance structures are in place to achieve this. This is more relevant to proposals for residential development and is therefore not considered further with respect to this commercial proposal.

Cultural Wellbeing

9.127. Policy Bicester 1 refers to the provision of public art to enhance the quality of the place, legibility and identity. The NW Bicester SPD includes Development Principle 14, which relates to cultural wellbeing and this, alongside appendix V, sets out a process whereby developers would be requested to submit a cultural wellbeing statement to embed public art through their scheme but also to complement and support the vision for NW Bicester by drawing on sustainability and the natural environment, to create identity and to be holistic in involving the community (i.e., in events etc). Through the planning appeal relating to the implemented outline permission, a contribution towards public art was secured from both the commercial and residential parts of the site. On this basis, it is recommended that a S106 contribution be secured. This would ensure the sites contribution to the cultural wellbeing aims at the site and to contribute to NW Bicester being a culturally vibrant place.

Other matters

9.128. Within its submitted Economic Statement and the Socio-Economic chapter of the ES, the applicant highlights several expected economic benefits of the proposal which, in summary comprise:

- The provision of construction jobs (approx. 110);
- The provision of permanent employment opportunities in the completed development;

- Support for economic objectives for the Eco-Town;
- High quality, well designed employment space;
- Employment space suitable for local businesses;
- Local skills and training benefits including apprenticeships (which are to be secured via the requirement for a Training and Employment Plan via the S106);
- Uplift in Gross Value added (a measure of the increase in the value of the economy due to the production of goods and services);
- Increase in local spending;
- Increase in business rates (although it must be stated that this benefit should be given limited weight given that there is no direct relationship to making this scheme acceptable in planning terms and Government advice in the PPG states that it is not appropriate to make a planning decision based upon the potential for the development to raise money for a Local Authority or other Government body).

9.129. Officers accept that the development would bring economic benefits and that these should attract moderate weight in the planning balance, although it must be highlighted that some of these economic benefits are not unique to this development alone.

Environmental Considerations

9.130. With respect to environmental considerations, Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.

9.131. The NPPF includes requirements around conserving and enhancing the natural environment. At paragraph 174, it identifies that decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 identifies that decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 185 requires that developments should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development.

9.132. The Environmental Protection Officer has considered the submitted information and has recommended a series of conditions to secure further information to ensure that the development does not cause undue harm to the environment.

9.133. Those conditions relating to air quality, to securing noise levels and mitigation to noise and to require a construction management plan are all recommended. Whilst the planning statement refers to the submission of an air quality assessment, this has not been received and assessed.

9.134. The following conditions sought by the Environmental Protection Officer are not recommended for the following reasons:

- A contaminated land assessment is not sought because in considering this matter related to the site to the south, the appeal Inspector accepted that the land conditions meant there was unlikely to be a contamination concern and a condition relating to unexpected contamination was imposed. This is suggested as being a reasonable approach for this application.
- A condition requiring electric vehicle charging infrastructure is not recommended because forthcoming changes to the Building Regulations will mean that this is a requirement under that legislation and there is no need to replicate requirements that apply in any event under other legislation by planning condition.
- A condition to seek a lighting scheme is not recommended because a scheme was submitted with the application, and this has been confirmed as being acceptable. A condition to secure implementation of the scheme is though recommended.

9.135. Impacts by noise are considered in the ES, informed by a Noise Assessment and whilst it is acknowledged that during certain periods of the construction phase, noise may be audible, which could result in temporary moderate adverse effects, the impacts would be temporary and with best practice methods to be implemented as part of a Construction Environment Management Plan, the impacts could be adequately controlled. For the operational phase, the impacts are predicted to be low taking into account the recommended criteria resulting from fixed plant and equipment and road traffic impacts including in cumulation with phase 1 and 2 already constructed. A condition is recommended to secure this. The original report confirmed that this is subject to the implementation of a 4m noise barrier between previously proposed units 10 and 11 and two 2.5m acoustic barriers between unit 3 and 4 and adjacent to the previously proposed unit 6. The amended scheme appears to have removed the noise barriers around units 6, 10 and 11 as they are no longer part of the scheme, but an updated noise assessment has not been submitted to demonstrate that this is justified. This has been queried with the Agent for the application but is a matter that is likely to be resolvable.

9.136. Policy ESD10, in aiming to securing the protection and enhancement of biodiversity and the natural environment, confirms that the protection of trees will be encouraged with the aim to increase the number of trees within the District. An Arboricultural Impact Assessment has been submitted. This confirms that no trees or hedgerows are required to be removed to facilitate the scheme and that no trees protected by a TPO would be affected. It also advises that the proposed bunds which form part of the scheme are constructed outside the Root Protection Areas of the retained trees and hedgerows. The Assessment includes a Tree Protection Plan which shows where protective fencing and exclusion zones are required to protect the existing vegetation. This is predominantly to the east with small sections of the northern boundary proposed to be protected. Whilst the Council's Arboricultural Officer has not provided advice on this proposal, the scheme is therefore accepted as submitted and this should be secured by a planning condition.

9.137. A Statement of Archaeological Completion has been submitted which confirms that an archaeological excavation has been undertaken which found evidence of finds of local importance. The OCC Archaeologist has not commented upon this application but has confirmed that conditions relating to earlier phases were acceptable leading to those conditions being discharged.

Conditions and S106

9.138. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

9.139. The table at Appendix 1 sets out the required Heads of Terms and the justification for those requests.

9.140. Planning Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 206). A list of planning conditions will be drafted and presented in full through the written updates to cover those areas as discussed and identified through this report. Tweaks may also be required to the conditions to reflect queries that have been raised.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises a number of relevant Policies and they are considered up to date for the purpose of considering this proposal.

10.2. The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for development taking, development proposals that accord with an up-to-date development plan should be approved without delay.

10.3. The 'principle' section of this report explains that the proposal conflicts with Policy Bicester 1 in that it proposes an alternative form of development on land that is identified within the Masterplan for the NW Bicester site (embedded within the NW Bicester SPD) for residential uses. Policy Bicester 1 requires planning permission to be granted in accordance with the Masterplan.

10.4. However, it is necessary to consider the merits of the scheme notwithstanding that this would result in the loss of residential land. As set out, the applicant has identified that there is a need for additional employment land due to the demand they have experienced on Phases 1 and 2 and they are confident that this demand is such that the current phase, if approved, would be pre-let prior to the units being completed. The Economic Development Team have confirmed that their applicant's submission on the market need matches their understanding of demand.

10.5. The provision of additional commercial development is not precluded by the wording of Policy Bicester 1 which refers to a minimum floorspace area, the conflict comes

against the Masterplan which seeks to guide development. The provision of additional commercial development would assist in contributing to the job opportunities that Policy Bicester 1 seeks which would contribute to the achievement of sustainable development by providing opportunities within proximity to planned residential development and therefore accessible via sustainable modes. The proposal is complementary to the commercial uses already provided on Phases 1 and 2 in terms of design and use class and would be constructed to BREEAM 'Very Good' standard. The NPPF advises Local Planning Authorities to support economic development, to create the conditions in which businesses can invest, expand and adapt and to be flexible to accommodate needs not anticipated by the Plan and to enable a rapid response to changes in economic circumstances. The Applicant has also identified several other economic benefits which would attract some weight in the planning balance.

- 10.6. The report identifies that the proposal would not be harmful to landscape and visual amenity, could be accommodated without undue harm to the residential amenity of nearby properties, would provide for 40% Green Infrastructure, achieve a net biodiversity gain and to generally meet the eco-town standards including that True Zero Carbon could be achieved.
- 10.7. The proposal provides appropriately for sustainable transport modes by providing for walking and cycling infrastructure including along part of the Strategic Link Road that is proposed to be provided through this application. The proposal would not preclude the delivery of the rest of the SLR and the arrangements previously agreed to secure this would need to continue to apply to this site.
- 10.8. OCC have also confirmed that due to the limited number of trips predicted to travel north through the Howes Lane/ Bucknell Road/ Lords Lane junction, that a severe transport impact would not result such that the proposal could be resisted on transport grounds or that it should be restricted until the new infrastructure is provided and opened to vehicular traffic (which would not be possible anyway as explained in the report).
- 10.9. There are some outstanding points as have been identified in this report and it is hoped that updates can be provided on these matters through the written updates as well as confirmation on the position regarding the surface water drainage scheme from the Lead Local Flood Authority. It is anticipated that these outstanding matters can be resolved through negotiation.
- 10.10. On balance, Officers consider that taking into account the limited harm from the proposals, the ability of the scheme to meet the required standards at the site including true zero carbon and the justification provided to support the applicant's case for additional employment development, that the principle of the development is acceptable in this case. The proposal therefore complies with the above-mentioned policies and is recommended for approval.
- 10.11. Officers are content that subject to the imposition of conditions, the development, as supported by an Environmental Statement would not cause serious harm to the environment and that any environmental impacts could be appropriately mitigated for.

11. RECOMMENDATION

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

- (i) THE REMOVAL OF THE OBJECTION FROM THE LEAD LOCAL FLOOD AUTHORITY,**
- (ii) CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- (iii) SUBJECT TO 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 INFRASTRUCTURE SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS TO THOSE OBLIGATIONS AS DEEMED NECESSARY)**

CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

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

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

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

- 20019-TP-001 Rev F 'Site Location Plan'
- 20019-TP-002 Rev R 'Proposed Site Plan'
- 20019-TP-003 Rev L 'Proposed Site Finishes Plan'
- 20019-TP-005 Rev C 'Units 1-3 Floor Plans'
- 20019-TP-006 'Units 1-3 Roof Plans'
- 20019-TP-007 'Units 1-3 Sections'
- 20019-TP-008 Rev D 'Units 1-3 Elevation'
- 20019-TP-009 Rev C 'Unit 4 Floor Plans'
- 20019-TP-010 'Unit 4 Roof Plan'
- 20019-TP-011 'Unit 4 Sections'
- 20019-TP-012 Rev D 'Unit 4 Elevations'
- 20019-TP-013 Rev B 'Unit 5 Floor Plans'
- 20019-TP-014 'Unit 5 Roof Plan'
- 20019-TP-015 'Unit 5 Sections'
- 20019-TP-016 Rev C 'Unit 5 Elevations'
- 20019-TP-023 'Cycle Shelter Details'
- 20019-TP-024 'Refuse Enclose Details'
- 20019-TP-025 'Entrance Canopy Details'
- 20019-TP-026 'Fencing Details'
- 20019-TP-027 Rev A 'External Finishes Sample Board'
- S1209-PH3-02 Rev F 'SW Drainage Layout'
- S1209-PH3-03 Rev F 'FW Drainage Layout'
- S1209-PH3-04 Rev E 'Phase 3 External Works & Levels'
- S1209-PH3-05 Rev A 'Phase 3 Typical Drainage Details'
- 1746-ESC-00-ZZ-DR-E-2100 Rev P3 'External Lighting Layout'
- 14042-60-GA Rev N 'Access Road General Arrangement'

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.

3. The development shall be used for uses falling within Classes E(g)(iii), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or their equivalent in subsequent enactments or re-enactments), only and shall be used for no other purposes whatsoever.

Reason – In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE1 and Bicester 10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

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 to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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.

6. A condition regarding outside storage/ external plant/ storage heights
7. 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 Government guidance contained within the National Planning Policy Framework.

8. Condition relating to a noise limit for operational plant as specified in the ES
9. Removal of PD rights for further boundary treatments or enclosures beyond those shown or approved elsewhere
10. Visibility splays to be kept free from obstruction (potential need for details – to be discussed)

PRE-COMMENCEMENT CONDITIONS

11. No development shall take place on any phase, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall be appropriately titled (site and planning permission number) and shall provide for at a minimum:
 - The parking of vehicles of site operatives and visitors;
 - The routeing of HGVs to and from the site;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for recycling/ disposing of waste resulting from demolition and construction works;
 - Delivery, demolition and construction working hours;
 - Spoil locations
 - Water management
 - The measures covered in the ES in paragraphs ... (TO BE ADDED)

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 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.

12. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
 - a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
 - b) Risk assessment of potentially damaging construction activities;
 - c) Identification of 'Biodiversity Protection Zones';
 - d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;

- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

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.

- 13. Condition requiring pre-construction ecological surveys/ checks including measures for GCN, Badgers and Western European Hedgehog unless included in the CEMP for Ecology (above)
- 14. No development shall take place until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason: In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

- 15. 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.
- 16. Condition relating to details of access/ the crossing of Howes Lane (to be discussed in advance with OCC Transport)
- 17. Potential need for a pre-commencement drainage condition
- 18. Condition to require pre-commencement implementation of the tree protection measures set out in the AMS
- 19. Condition requiring service connections to be approved

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

- 20. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be

installed prior to first occupation and retained and maintained in working order thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

21. Details of biodiversity measures and the requirement to implement them
22. Within six months following the commencement of the development, a BREEAM New Construction Fully Fitted Design Stage Certificate and summary score sheet (or such equivalent standard that replaces this) relating to the development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' will be achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031.

23. Notwithstanding the submitted landscape scheme and prior to the implementation of any landscaping, a scheme for landscaping the site shall be submitted for approval. Including details of tree pits
24. Requirement for a Landscape and Ecology Management Plan
25. Requirement to agree position of any required fencing not shown prior to its implementation
26. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

27. Details of the colour finish of any acoustic screens

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OR AFTER OCCUPATION

28. The requirement to implement the lighting scheme prior to the first occupation of the development
29. Implement EV Charging scheme prior to occupation
30. Implement covered cycle parking prior to occupation
31. Implement acoustic barriers and any other mitigation from the noise report prior to occupation
32. Requirement for details of and implementation of real time information
33. Details of and implement measures to minimise water consumption

34. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband from the building to the nearest broadband service connection outside the site.

Reason: To facilitate information provision to homes for energy monitoring, travel and home working change in accordance with Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031 and Government guidance contained within the National Planning Policy Framework.

35. Within six months following the occupation of the non-residential development, a BREEAM New Construction Fully Fitted Post Construction Review Certificate and summary score sheet (or such equivalent standard that replaces this) relating to that non-residential development shall be submitted to and approved in writing by the Local Planning Authority which shall demonstrate that rating 'Very Good' has been achieved.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Policy Bicester 1 of the Adopted Cherwell Local Plan Part 1 2011-2031.

36. Notwithstanding the submitted Framework Travel Plan and prior to the occupation of the first non-residential unit, a Framework Travel Plan, prepared in accordance with the Department for Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority for the development proposed on the outline site area. The approved Travel Plan shall be implemented in accordance with the details so approved.

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

37. A possible condition to require the closure of the temporary access arrangements once SLR is in place

Planning Notes

1. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Assessment) (Regulations) 2017 (as Amended).
2. Attention is drawn to a Legal Agreement related to this development dated **XXX** which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at thameswater.co.uk/buildingwater.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

5. The Environment Agency's response of the 02 November 2021 includes links to various publications relating to the duty to ensure that business activities do not cause or allow pollution. The applicant's attention is drawn to this.
6. The applicant is reminded that the Environment Agency have a regulatory role in issuing legally required consents, permits or licences for various activities. The applicant should ensure that any necessary consent, permit or licence is obtained from the Environment Agency should that be required.
7. The response from the Thames Valley Police Design Advisor of the 05 May 2022 includes some guidance relating to Building Security. The applicant's attention is drawn to this.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Contribution towards Public Art	<p>£24,181 index linked from 2Q17.</p> <p>Lower figure TBC due to the reduced scheme.</p> <p>The contribution would likely be presented as a formula in the same way as that sought on the original permission to secure a level of public art per commercial unit.</p>	TBC but likely Pre-occupation of each commercial unit.	<p>Necessary – The NW Bicester SPD includes cultural wellbeing as one of its key development principles. The payment of a public art contribution would ensure that the development contributes to the creation of a culturally vibrant place at NW Bicester.</p> <p>Directly related – The proposal is part of the NW Bicester development. As per the previous S106, the contribution would be specified to be used towards the provision of public art within the NW Bicester development and therefore it would be directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The contribution is based upon the same rate per sqm of commercial development as was used in the previous S106 relating to the wider site which is considered to be fairly and reasonably related in scale and kind to the scale of development proposed.</p>
Biodiversity offset contribution to mitigated for impacts upon farmland birds	£7,988.24 index linked from 2Q17		Necessary – The Masterplan Strategic Environmental Report identified that it would not be possible to

		<p>compensate for the loss of habitats used by farmland birds as a consequence of the whole development at NW Bicester. It identified that offsite compensation to enhance the value of land for farmland birds would be necessary to mitigate for the impacts. As the development site is part of NW Bicester it is necessary that a contribution is made to account for its proportionate impact upon farmland birds.</p> <p>Directly related – The proposed contribution is directly related to the impacts on farmland birds arising from the development.</p> <p>Fairly and reasonably related in scale and kind – When it was identified that farmland birds could not be mitigated for on site as a consequence of the development, work was undertaken to identify that 200ha of farmland would need to be enhanced for a period of 25 years. An annual cost was proposed and then an additional 15% sum added for staff resource to implement and manage the scheme. This was multiplied by 25 to give a total sum for a 200ha area of land. The contribution was divided by the masterplan site area minus the Exemplar site to give a per hectare figure. This contribution has then been multiplied by the site area in this case of 6ha to give the total amount sought. The contribution sought is therefore fairly and reasonably related in scale and kind to the development.</p>
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<p>Training and Employment Plan to secure 3 apprenticeship starts</p>	<p>Nil</p>	<p>TEP to be submitted for approval prior to the implementation of the development. Arrangements to reflect those within the previous S106 agreements for the site.</p>	<p>Necessary – Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts. Whilst the number of apprenticeships is lower than as required by the SPD, the number is proportionate to the number secured by Phases 1 and 2.</p> <p>Directly related – The request is directly related to the development as the development itself is a vehicle to support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p>Fairly and reasonably related in scale and kind – Notwithstanding that the number of apprenticeships starts is lower than that set out by the SPD, the number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
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<p>Requirements to monitor the development through the construction and post occupancy stages</p>	<p>N/A</p>	<p>The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development.</p>	<p>Necessary – In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p>Directly related – The monitoring is directly related to the development itself.</p> <p>Fairly and reasonably related in scale and kind – The monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
<p>Arrangements to link the proposal to the major infrastructure agreements (comprising a legal charge, an access licence and a contribution agreement) (or an arrangement considered suitable by the Council's Solicitors). The arrangement makes provisions for allowances against the proportionate contribution required from this site where the owner delivers part of the SLR themselves and sets out the need for technical approval for this.</p>	<p>TBC</p>		<p>Necessary – The development includes land that is required to deliver a strategic link road based upon its currently planned route as shown on the NW Bicester Masterplan. In the same way that arrangements have been secured in the past related to the wider outline site, those same (or as agreed following advice) arrangements should also apply to this site where relevant to ensure that those elements remain secure. The detail of the element of the strategic link road to be delivered will require technical approval via these agreements to ensure it is constructed to an appropriate standard.</p>

			<p>Directly related – This requirement is directly related to the development because the land forms part of the application site and nearby and as it is required for strategic purposes, the requirement to secure this is directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The proposals would ensure a fair and reasonably related contribution in scale and kind is made towards the major infrastructure, also taking into account any infrastructure which is directly delivered. The other agreements are proportionate because they relate to the land itself.</p>
A public transport contribution towards bus services serving NW Bicester	<p>£134,375 index linked from 2Q17 (RPI-x)</p> <p>Lower figure TBC due to the reduced scheme.</p>	TBC or Delegated Authority is sought to enable Officers to negotiate this	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related – The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level of contribution sought is the same as the instalment of the agreed bus service contribution that is secured upon occupation of the permitted</p>

			residential development that this development would replace.
A public transport infrastructure contribution towards bus stop infrastructure at NW Bicester (unless this is dealt with under S278/ S38)	£19,460 index linked from April 2017 (Baxter)	TBC or Delegated Authority is sought to enable Officers to negotiate this	<p>Necessary – The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related - The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the public transport provision. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level of contribution sought is the same as the instalment of the agreed bus infrastructure contribution that is secured upon occupation of the permitted residential development that this development would replace.</p>
There may be a need for a Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement). This is not clear yet.			

<p>Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans</p>	<p>£5,271 index linked from December 2020 (RPI-x)</p> <p>TBC if a lower figure will apply due to the reduced scheme.</p>	<p>TBC or Delegated Authority is sought to enable Officers to negotiate this</p>	<p>Necessary – The site will require a framework travel plan and individual travel plans for the two largest units. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related – The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options and contributing to the aims of Policy Bicester 1.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>Pubic right of way contribution towards improvements to Bridleway 9 and Bucknell Bridleway 4</p>	<p>£2,846 index linked from April 2017 (Baxter)</p> <p>Lower figure TBC due to the reduced scheme.</p>	<p>TBC or Delegated Authority is sought to enable Officers to negotiate this</p>	<p>Necessary – The contribution is necessary to ensure that the site continues to pay a proportionate contribution to the overall public rights of way improvements required for the NW Bicester policy allocation.</p> <p>Directly related – The overall NW Bicester site would allow greater public access and use of local public rights of way by residents and employees of the development. The contribution is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The contribution is the same as the public rights of</p>

			way contribution that is secured upon occupation of the permitted residential development that this development would replace.
<p>The requirement to enter into a S278 agreement to secure the proposed crossing of Howes Lane with a signalised crossing to the public right of way at Wansbeck Drive</p> <p>This may also include (subject to confirmation from OCC) the identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary.</p>	N/A	<p>The requirement not to implement the development until a S278 has been entered into must be secured by the S106. The trigger by which time S278 works are to be completed (prior to occupation) should also be included in the S106.</p>	<p>Necessary – The proposed offsite highway works are necessary to provide pedestrian and cycle links from the development site to the local area. As the works are necessary to create the opportunities for sustainable travel, their provision must be secured. The requirement is therefore for the S106 to include a process to secure the entering into a S278 prior to the implementation of the development and to include timescales for the works to be completed by.</p> <p>Directly related – The requirement to deliver the offsite highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind – The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and secured as necessary works to make the development acceptable and to provide for a sustainable means of access to the site.</p>
<p>A routing agreement to prevent HGV traffic from using Howes Lane</p>			<p>Necessary – The transport impact of the development assumes a certain number of trips that would route North to the Howes Lane/ Bucknell Road/ Lords Lane junction prior to the opening of a realigned SLR. This would rely on a routing agreement to ensure that any</p>

			<p>HGV traffic routes south in the same way that routing is secured for the existing site. On this basis, the requirement is necessary to mitigate for the transport impacts of the development.</p> <p>Directly related – The requirement is directly related to the scheme as it relates to vehicular movements related to and from the site only.</p> <p>Fairly and reasonably related in scale and kind – The proposal is fairly related in scale and kind to the development as it relates to vehicular movements related to and from the site only.</p>
CDC and OCC Monitoring fee	<p>CDC: £5,500</p> <p>OCC: TBC</p>	On completion of the S106	<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 10,000-75,000sqm floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £5,000. A registration charge of £500 is also applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.</p>