

**Case Officer:** Katherine Daniels

**Applicant:** Value Retail Management (Bicester Village) Limited

**Proposal:** Redevelopment of site to provide a new public park, a car and cycle hub with electric vehicle charging and additional guest services, retail and food and beverage floorspace with associated access, parking, drainage and landscaping.

**Ward:** Bicester South And Ambrosden

**Councillors:** Councillors Cotter, Pruden, Sames

**Reason for Referral:** Major development

**Expiry Date:** 30 April 2023

**Committee Date:** 13 April 2023

---

**RECOMMENDATION: GRANT PERMISSION SUBJECT TO THE REMOVAL OF THE ENVIRONMENT AGENCY OBJECTION, CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. There are two distinct elements to the application site. Land to the South of Pingle Drive and land to the North of Pingle Drive.

Land to the South of Pingle Drive

1.2. This part of the application site forms part of Bicester Village, which is a designer shopping outlet. The overall design of the development is in a New England style. Parking for Bicester Village is located to the north and east of the main buildings. The entrance is off the Oxford Road, onto Pingle Drive. The A41 is located to the west. There is mature vegetation between the A41 and the outlet shopping centre.

Land to the North of Pingle Drive

1.3. This part of the application site forms part of the former Bicester Sports Association (BSA) sports facilities. BSA sold the land to Value Retail in 2021. The site is currently closed off, but its permitted use is for sports facilities. It has 2 Rugby pitches and 1 football pitch. There are a number of buildings on site, associated with the sports provision, including a rifle range. A public footpath is located along the south-eastern boundary as well as the north-eastern boundary. The Acorn Public house is located on the south-western boundary of the site. Pingle Brook runs within the site east to west. Pingle Field football complex and recreation land is located to the south-east of the application site. St Edburgs Church, is a Grade I Listed building and is located to the northeast of the application site. Bicester Community Hospital is located to the north, and there are residential properties to the north (Kings Park).

## **2. CONSTRAINTS**

- 2.1. Part of the application site is located within Flood zone 2 and 3. The Environment Agency advise that controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer A. There is some risk of contamination and there are ecological records within the vicinity.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposal has two elements, land to the south and land to the north of Pingle Drive. These are described separately below.

### **3.2. Land to the South of Pingle Drive**

- 3.3. The proposal seeks to create a new western terrace for Bicester Village. The proposal will be three storeys in height with guest services, retail, and food/beverage building. The proposal will result in the loss of 84 car parking spaces. The proposal seeks to create a full-stop at the end of the avenue. The overall width is 33m with an overall length of 50m. The overall height of the Western Terrace is 15m. The ground floor proposes to include two retail/food and beverage units, a kiosk and a guest services lobby. The ground floor area is 1152 sqm. The floor area of the retail units is 981 sqm. The first and second floors will be specifically for guest services, 1074 sqm on the first floor and 584 sqm on the second floor. The building will be constructed to BREEAM excellent standard.

### **3.4. Land to the North of Pingle Drive**

- 3.5. The proposal to the north includes a car and cycle hub, and a new publicly accessible park. Bicester Village has lost 1250 spaces at Graven Hill and G10 (Lower Arncott). Spaces at Blue Diamond and Bicester Motion are still currently available, but this is not indefinitely. The spaces provided at Bicester Motion and Blue Diamond equate to 950 spaces. There is a public park and ride off the A41, however, this is not exclusively for Bicester Village. The proposals on the land to the south of Pingle Drive result in the loss of 84 spaces.

- 3.6. The car and cycle hub is proposed to be in an oval shape multistorey building with 1246 spaces. There will be 1057 standard spaces, 126 EV charging points and 63 parent and child spaces. The spaces will be fitted to facilitate the future rollout of electric vehicle charging points. 56 cycle spaces, 3 e-bike charging points, 24-hour cycle repair stands, and a cycle space. The overall design of the proposed car park/cycle hub includes vertical cladding at the base and a simple palette of materials. Elevations will remain open, however, the edge of the structure will be softened by planting. The car and cycle hub is an oval shape and measures 172m by 83m, with a central void in the middle. The overall height of the building is 22m at its tallest. The car and cycle hub includes PV panels on the roof. Access is proposed to the car park from Pingle Drive and the exit from the car park is proposed onto the roundabout at the Oxford Road/ Middleton Stoney road roundabout.

- 3.7. To the north of the proposed car and cycle hub, there is a proposed open space, and improved connectivity to the town centre. The proposed park seeks to become a flexible space allowing for informal amenity and sports space. The applicants have advised that there are three pillars to the park area, connectivity, biodiversity and community.

## **4. RELEVANT PLANNING HISTORY**

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

**Application: 12/00233/F** Permitted 20 April 2012

Variation of Condition 10 of 05/02131/F to allow the Class A3 use of any approved building within Bicester Village to be increased from 2,500 sqm to 2,950 sqm

**Application: 16/00845/F** Permitted 29 July 2016

Variation of condition 2 of 15/00082/F - Changes to vehicular access into the existing / proposed car park and associated changes to the landscaping and car park areas

**Application: 16/01562/F** Permitted 30 November 2016

Variation of Condition 2 of planning permission 16/00845/F - Minor changes to approved scheme resulting in variations to elevations, changes to the alignment of the service yard wall, changes to the proposed toilet block, the provision of additional back of house storage space, a hospitality lounge and an increase in sales space in specific units

**Application: 15/00082/F** Permitted 11 March 2016

Demolition of existing Tesco food store, petrol, filling station and part of the existing Bicester Village retail outlet centre, to provide an extension to provide new A class floor space, car parking and associated landscaping and highway works.

**Application: 18/00510/F** Application  
Withdrawn 20 August 2018

Formation of new service access to Bicester village from the northbound carriageway of the A41 to the east of the A41/B4030 Junction

**Application: 17/00955/OUT** Permitted 18 October 2017

Variation of conditions 4 and 5 (to allow up to 3500sqm of Class A3 use and 1000sqm full price retail within Bicester Village) and 9 (unit size) of 98/01201/OUT

**Application: 18/01634/F** Permitted 29 March 2019

Variation of Conditions 19 (factory outlet centre + 3500sq m class A3) and 22 (restriction of retailers for particular goods) of 17/00958/F and addition of a condition to 17/00958/F

**Application: 18/01638/OUT** Permitted 21 December 2018

Variation of Conditions 2 (factory outlet centre + 3500sq m class A3) and 5 (restriction of retailers for particular goods) of 17/00955/OUT and addition of a condition to 17/00955/OUT

**Application: 19/02728/F** Permitted 10 February 2020

Extension to 'Management 3' First Floor Office

**Application: 21/00271/F** Permitted 19 May 2021

Variation of Condition 19 (development use) of 18/01634/F - Proposed condition wording: "The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission): 5,000 sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended])); 1,000 sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended])); 1,000 sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330 sqm of internal floorspace in any one retail unit being used for such purposes."

**Application: 21/00267/F** Permitted 19 April 2021

Variation of Condition 2 (development use) to 18/01638/OUT - Proposed condition wording: "The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and

operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission): 5,000 sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended])); 1,000 sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]); 1,000 sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330 sqm of internal floorspace in any one retail unit being used for such purposes

**Application: 21/00268/F**

Permitted

18 May 2021

Variation of Condition 3 (development use) of 19/00008/F - Proposed condition wording: "The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission): 5,000 sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended])); 1,000 sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]); 1,000 sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330 sqm of internal floorspace in any one retail unit being used for such purposes

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. The applicants had a number of pre-application meetings with Cherwell District Council regarding the proposals. These have included ecology, highways, environment health, recreation and leisure, landscape. The main concerns highlighted to the applicants were the impact of the loss of the sports field and the impact on highway safety. Designated Heritage impacts was also raised as a potential concern.

## 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, taking into account periods of re-consultation was **09 March 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. 126 letters of objection, and 16 letters of support have been received. There is also a petition which has 3502 signatures objecting to the proposal – although it is understood the petition has been going on prior to the current application.
- 6.3. The letters of objection raise the following concerns:
  - Poor design, car park is too tall and bulky
  - The western terrace is a pastiche of dummy and false architectural features
  - Overdevelopment of the site
  - Will result in more traffic coming onto the site
    - Bicester is congested already
    - Entrance and exit should be within Bicester Village
  - Harm to the setting of the conservation area and St Edburgs Church
  - Loss of Sports field
  - Increase in pollution
    - Bicester is supposed to be a Garden Town
  - Not for local users
- 6.4. The Letters of support raise the following
  - Park will be an asset to the town
  - Important to the Local economy
  - Will bring jobs to Bicester

- Nice addition to the entryway to Bicester

6.4. 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: There is no objection to the extension to the village itself, but they do **object** on the grounds of design, views of St Edburghs, Overdevelopment, Loss of playing pitches, Traffic, pollution relating to the proposals on land to the north of Pingle Drive.

### CONSULTEES

7.3. CDC ENVIRONMENTAL PROTECTION: Requests planning conditions to land contamination, lighting, demolition and construction, air quality, and noise and vibration.

7.4. CDC ARBORICULTURE: No comments received to date

7.5. CDC BUILDING CONTROL: Will require a Building Control application

7.6. CDC CONSERVATION: **Objects**. The proposal will lead to less than substantial harm to the setting of the Conservation Area and Listed Church. Have concerns regarding the overall design and appearance

7.7. CDC ECOLOGY: No comments received to date

7.8. CDC LANDSCAPE SERVICES: Have agreed the LVIA, and has the following comments, *'As the additional cross-section indicates the loss of existing and proposed trees I wish to confirm that I am concerned about the potential deficit of structural vegetation which if planted and retained will effectively screen the car park from the Oxford Road approach for the benefit of roadside receptors (vehicle and pedestrian). As a point in principle these trees should be planted/retained for this reason.*

7.9. *In addition the visual mitigation of the car park is paramount and therefore I do not think the exclusion of climbers and trailing plants from the façade of the car park due to impracticality is a valid argument. The developer should commit to the establishment of this planting by installing an effective irrigation system and appropriate compost and mulching in custom-made planting.'*

7.10. CDC LAND DRAINAGE: Have no comment need to consult LLFA

7.11. CDC RECREATION AND LEISURE: Have **no objections** subject to the entering into a S106 to mitigate against the loss of sports provision. (See Appendix 1)

7.12. CDC PLANNING POLICY: **No Objection** subject to the loss of the Oxford Road Sports Ground being mitigated to the satisfaction of Sports England and the Council's Wellbeing Team.

- 7.13. OCC LOCAL HIGHWAY AUTHORITY: **No Objection** subject to S106 contributions, obligation to enter into a S278 agreement and Planning conditions.
- 7.14. OCC LEAD LOCAL FLOOD AUTHORITY: **No Objection** subject to planning conditions.
- 7.15. OCC ARCHAEOLOGY: **No Objection**
- 7.16. NATIONAL HIGHWAYS: **No Objection**
- 7.17. NATURAL ENGLAND: No comments received to date
- 7.18. ENVIRONMENT AGENCY: **Object** to the proposal relating to Flood risk, Inadequate Flood Risk Assessment and insufficient ecological assessment and risk to nature conservation.
- 7.19. CRIME PREVENTION DESIGN ADVISOR: No comments received to date
- 7.20. SPORT ENGLAND: **Objection** to this application on the basis that it will result in the loss of playing fields, until a suitable Section 106 agreement, or other legal mechanism is delivered, or arrangements are confirmed on the replacement provision.
- 7.21. BICESTER BIKE USERS GROUP: No comments received to date
- 7.22. BBO WILDLIFE TRUST: No comments received to date
- 7.23. BICESTER HERITAGE: No comments received to date
- 7.24. BICESTER LOCAL HISTORY SOCIETY: No comments received to date
- 7.25. CHILTERN RAILWAYS: **Supports** the application

## **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)

- Policy SLE 2: Securing Dynamic Town Centres
- Policy SLE 3: Supporting Tourism Growth
- Policy SLE 4: Improved Transport and Connections
- Policy BSC 10: Open Space, Outdoor sport and Recreation Provision
- Policy BSC 12: Indoor Sport, Recreation and Community Facilities
- Policies ESD 1 – 5: Mitigating and Adapting to Climate Change
- Policy ESD 15: The Character of the Built and Historic Environment
- Policy ESD 17: Green Infrastructure
- Policy Bicester 5: Strengthening Bicester Town Centre



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

- C23 – Retention of features, contributing to character and appearance of a conservation area
- C28 – Layout, design and external appearance of new development

### 8.3. Other Material Planning Considerations

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

## **9. APPRAISAL**

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

- Environmental Statement
- Principle of development
- Heritage impact
- Design, and impact on the character of the area
- Highway Impact
- Drainage and Flood Risk
- Ecology impact
- Residential Amenity

### Environmental Statement

- 9.2. The aim of an Environmental Impact Assessment (EIA) is to protect the environment by ensuring that a Local Planning Authority (LPA) 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 takes this into account in the decision making process.
- 9.3. The application is accompanied by an Environmental Statement (ES) which is the written material submitted to the LPA in fulfilment of the EIA regulations. The ES covers landscape and visual impacts, demolition and construction, transport, air quality, noise and vibration. The ES identifies significant impacts of the development and mitigation to make the development acceptable.
- 9.4. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 require that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which these regulations apply unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 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 remaining paragraphs in this Committee report assess the submitted planning documents and the contents of the Environmental Statement in order to reach a balanced and informed recommendation to Members.

### Principle of Development

#### *Policy Context*

- 9.7. Policy SLE 2 of the CLP 2011-2031 seeks to secure dynamic town centres. If the proposal was over the 1500sqm an impact assessment would be required to ensure the proposal does not have a significant impact upon Bicester and other town centres. All proposals should comply with SLE4 and ESD15. Bicester Village is identified as an Outlet Shopping Centre.
- 9.8. Policy SLE 3 of the CLP 2011-2031 seeks to support tourism growth, provided they accord with other policies in the plan.
- 9.9. Policy SLE4 of the CLP 2011-2031 seeks to improve transport and connections. Developments should facilitate the use of sustainable modes of transport.
- 9.10. Policy Bicester 5 of the CLP 2011-2031 seeks to strengthen Bicester Town Centre. Bicester village will have a role in the improvement of central Bicester (C.74).
- 9.11. Policy BSC10 of the CLP 2011-2031 seeks to protect existing sports and recreation sites.
- 9.12. NPPF Paragraph 87 states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.
- 9.13. NPPF paragraph 99 states:

*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:*

*a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*

*b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*

*c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.*

#### *Assessment*

### Land South of Pingle Drive

- 9.14. This element is for the extension of the existing Bicester Village, which is described as the western terrace. This has an element of Class E use (two retail units and a small kiosk), which comprises a floor area of 981 sqm GIA, and the provision of guest services which extends to 1 829 sqm GIA floorspace. This use is considered to be Sui Generis.
- 9.15. Bicester Village is recognised within the Local Plan 2011-2031 as providing a specialist role, which complements the Town Centre. Bicester village serves both a

national and international catchment, and it makes a significant contribution to the local economy. However, the growth of Bicester Village must be integrated into an improved town centre.

- 9.16. The proposal for the western terrace is for the provision of guest services for Bicester Village, and the retail element is not significant enough to warrant a retail impact assessment. The proposal is to complement what is on offer at the site, rather than expand the overall retail element. It is therefore unlikely the proposal for the western terrace will result in a harmful impact on Bicester Town Centre. Planning conditions are proposed to ensure the same conditions/allowances and restrictions as the existing retail floorspace within Bicester Village apply to this development. This will ensure that the development does not compete directly with Bicester or other town centres.

#### Land North of Pingle Drive

- 9.17. The current use of this aspect of the application site is for sports fields. Bicester Sports Association sold the land to Value Retail, and the site was no longer available in 2021, however, the use of the site remains as a sports field. Planning permission was granted at a site in Chesterton for sports facilities under permission 19/00934/F. Commencement of this development has not occurred to date; however, Bicester Sports Association has submitted applications to discharge conditions, and these are at an advanced stage. It is possible that this site could be developed, although no guarantee. This application was allowed at appeal. The planning inspector states that the site at Chesterton would provide *'significant enhancement of a sporting facility and pitch provision with modern, purpose built pitches and facilities'*. In addition the inspector acknowledged *'the proposal includes provision for those facilities previously located at Oxford Road'*
- 9.18. According to the Playing Pitch Strategy there is a need for sports provision within Bicester, therefore the site is not surplus to requirements. Therefore, as part of the consideration of this proposal, the Local Planning Authority has to be satisfied that there is an equivalent or better provision in terms of quantity and quality.
- 9.19. Sports England has objected to the proposal, subject to a suitable legal agreement to mitigate against the loss of the playing pitch. This seeks to ensure the proposal is sufficiently mitigated against its loss. Cherwell District Council's Recreation and Leisure have considered the proposal and have recommended the applicant contributes £1.1 million pounds to provide suitable mitigation elsewhere in Bicester for the provision of rugby and or football. Provided that this occurs, the Council's Recreation and Leisure Team advise that the loss of the current site would be acceptable in this particular case.
- 9.20. Further consideration has to be had that the site is not currently in use, and is not within the ownership of a sports, parish or local authority. As such there is a strong potential that the owners could not re-open the site. In addition, the existing buildings would require some attention to make them fit for purpose. This is not the overall determining factor; however, it is a material consideration of the application and should be given some weight in the overall balance of the scheme.
- 9.21. The proposal also includes the provision of a public open space that can be used for the purposes of informal play. In addition, the proposal seeks to create enhanced cycle and footpath linkages to Bicester Town Centre from Bicester Village. The proposal also seeks to open the site up with the recreation ground (Pingle Fields) to the east of the site.

#### *Conclusion*

### Land South of Pingle Drive

- 9.22. The principle of the extension of Bicester Village is recommended to be supported, provided conditions are imposed to ensure the development is consistent with the existing floorspace at Bicester Village. It is considered that the proposal for the western terrace could be acceptable in principle subject to a consideration of all other matters.

### Land North of Pingle Drive

- 9.23. The proposal seeks to develop on land which is currently used for the purposes of playing pitches, therefore provided appropriate mitigation is sought to ensure the development is in accordance with Policy BSC10 of the CLP 2011-2031 and the NPPF paragraph 99, then this is something which could be concluded to be acceptable in principle. CDC's Recreation and Leisure Officer is satisfied that provided mitigation measures are in place, the proposal will accord with these policies. The mitigation will be through the requirement of a S106 obligation to pay a financial contribution. Sport England's objection to the scheme relates to the fact there are no mitigation measures in place at the current time. However, Sport England is satisfied that providing a S106 is entered into and sealed, then the objection will be removed. Until the S106 is in place, Sport England will not remove its objection.
- 9.24. There will also be benefits of the proposal, by opening the site up and improving sustainable connections to the Town Centre, as well as providing an informal play area and links to the existing recreation ground.
- 9.25. Overall, provided a S106 is entered into, the loss of the playing pitches could be acceptable in principle subject to the consideration of all other matters.

### Heritage Impact

#### *Legislative and policy context*

- 9.26. The site affects the setting of a Conservation Area and a Grade I listed building.
- 9.27. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.28. Likewise Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore significant weight must be given to these matters in the assessment of this planning application.
- 9.29. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

#### *Assessment*

### Land South of Pingle Drive

9.30. This element does not result in harm to the designated heritage assets, as the development is seen as part of the existing development at Bicester Village.

### Land North of Pingle Drive

9.31. The Conservation Officer has raised objections to the proposal, as the multistorey car park will result in harm to the setting of the designated heritage asset (the conservation area). They consider the harm is less than substantial. It is considered the harm cannot result in substantial harm as it will not take away from the core interest of the conservation area and the wider setting of St Edburg's Church. There will be a loss of the existing open space which provides breathing space to the conservation area and the Church. The Conservation Officer has suggested that the scheme could be reduced in overall scale.

9.32. The applicants have sought to address the comments made by the Conservation Officer and have highlighted the scheme as a whole and how it has been developed. The applicants acknowledge that there will be some loss of viewpoints, however, some of these viewpoints will be opened as a result of the car park being accessible by all. The applicants consider there will be an enhancement to the vistas as a result of the proposed development.

9.33. The comments from the applicants and the conservation officer are taken into account, and whereas there may be some disagreement, the overall harm to the designated heritage assets is considered to be less than substantial. It is acknowledged that views will be lost as a result towards the Conservation Area and St Edburgs Church from the Oxford Road.

9.34. Therefore, as a result of the less than substantial harm, in accordance with Paragraph 202 of the NPPF, the harm has to be weighed against the public benefit of the scheme. The public benefits of the scheme include;

- Jobs during construction
- Supporting the growth of an existing business within the District
- Biodiversity Net Gain of 25%
- Provide significant cycle parking, and improved links to the Town Centre
- New public space
- Reduce congestion caused by the locations of different parking facilities.

9.35. These public benefits are significant.

### *Conclusion*

9.36. It is acknowledged that there is no harm to the designated heritage asset as a result of the proposed Western Terrace. However, there is considered to be less than substantial harm due to the impact of the proposed multi-storey car park.

9.37. It is acknowledged that there will be some loss of views across the site as a result of the construction of the car and cycle hub, and these will be irreversible. The site is located within an urban area that has been altered over the years. It is considered the

public benefits of the scheme outweighs the less than substantial harm in this particular case.

### Impact on the Character and Appearance of the Locality

#### *Policy Context*

- 9.38. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.
- 9.39. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.40. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. The Policy continues by stating that new development proposals should, amongst other things, contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views. Development should also respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.
- 9.41. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and be sympathetic to local character and history, including the surrounding built environment and landscape setting.

#### *Assessment*

- 9.42. During the pre-application stage the applicants sought advice from a Design Review Panel over the design of the proposal. The design review summarised the following points on design:
- The Panel supports the aspirations of the project, which could represent an asset for the local community
  - The proposed architecture is considered to be of a high standard
  - Although suggests why other measures are not explored, such as decking the existing car park.

### Land South of Pingle Drive

- 9.43. With regard to the proposal for the construction of the western terrace, the Design Review Panel, agreed that this would provide a 'full stop' to the end of the shopping street. The overall design of the western terrace is in a New England style, akin to the existing Bicester Village and its height is comparable to height already in place at Bicester Village. Any different style of development in this location would look out of place with the immediate surroundings.
- 9.44. It is considered that development of the western terrace will create a sense of place within Bicester Village, and create a strong vista along the shopping street.
- 9.45. The western terrace will be visible from the main road, as this development will extend closer to the Oxford Road. There is a different style of development in the immediate area. Tesco and McDonalds which are modern buildings are located to the south on the corner of Oxford Road and the A41. The Esso and Starbucks are located to the west of the site. These combine modern buildings with a petrol filling station. There is not a single building style within the locality.

#### Land North of Pingle Drive

- 9.46. The applicants have provided a Landscape and Visual Impact Assessment (LVIA) as part of the application submission. This highlights there will be a minor-moderate adverse impact upon the locality during the construction phase. This is not dissimilar to other similar cases. The impact overall reduces as the proposed mitigation establishes itself.
- 9.47. The car and cycle hub element will still be seen, within the wider viewpoints given its overall size and height. There will be mitigation for the proposed development, however, there is considered there will be some harm to the character and appearance of the locality, given its relationship with Oxford Road.
- 9.48. A car and cycle hub can look imposing, given its overall use and nature. The Design Review Panel was supportive of the overall design, which is considered of a high standard. The proposal includes the planting between the decks to reduce the overall dominance in the street scene, this is supported. The proposed planting between the car park floors is similar to the existing decked car parks along Pingle Drive, and used elsewhere in the district, such as at The Light development in Banbury. This has to be carefully managed, to ensure its longevity. This element goes some way to reduce the dominance of the building within the street scene.
- 9.49. In addition to the green elements of the proposed car and cycle hub, the proposal seeks to use a variety of different materials, such as metal fins, and external cladding. The material choices will be key for the building's integration within the street scene and its surroundings. These materials will have to be high quality to blend within the locality further. A condition can be imposed to ensure the materials are appropriate to the site and its surroundings. It is acknowledged that these will be a simple palette.
- 9.50. The proposal for the public space will open up public views between Oxford Road and the Conservation Area, by removing the existing buildings on site. Although adjacent to the car park, the green space will be accessible for all, creating a flexible space for local residents and visitors to Bicester. The overall design of the park area seeks to create a transition to the Pingle Recreation Field to the east. The overall design of this area is considered to be acceptable and is proposed to be of a high standard scheme notwithstanding its significant height.

#### *Conclusion*

#### Land South of Pingle Drive

9.51. The overall character of Bicester Village and its immediate context will not be harmed as a result of the proposed development. The proposal will create a natural stop to the existing Bicester Village and will create an improved streetscape from within the site. Overall, it is considered that this element would not result in a detrimental impact on the character and appearance of the locality.

#### Land North of Pingle Drive

9.52. It is noted that the car and cycle hub will result in a changed landscape entering Bicester along Oxford Road given the overall size and scale of the proposed development. It is clear from the visuals, this will be somewhat taller than the existing Acorn Pub which is located adjacent to the site.

9.53. The overall design of the car and cycle hub is considered to be of a high standard and not of a typical building of that nature. The impact of the proposal will be softened by appropriate landscaping on the building itself and within the proposed park area.

9.54. There will be some harmful impacts of the building in the locality due to its overall scale, however, the overall design is an exemplar building. Given the exemplar nature of the development, it is considered the design is appropriate and the impact on the character and appearance of the locality is considered to be acceptable.

9.55. The creation of a park, has appropriate landscaping to create an active space. Improving the overall linkages between different spaces within the locality is considered to be acceptable, and would lead to a benefit to the character and appearance of the locality.

9.56. Overall it is considered that the impact on the character and appearance of the locality is considered to be acceptable. The proposal complies with the above mentioned policies.

#### Transport Impact

##### *Policy Context*

9.57. 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.

9.58. 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.

##### *Assessment*

#### Land South of Pingle Drive

9.59. This part of the proposal would lead to the loss of 84 car parking spaces used for Bicester Village, however the access to the site would be off Pingle Drive. The Local Highway Authority (LHA) considers the overall nature of the site will not change as a result of the new guest services and food and beverage facilities.

9.60. Therefore, it is unlikely that this element would result in a detrimental impact on the highway network.

#### Land North of Pingle Drive



- 9.61. The proposal for the new open space (St Edburg's Park) will create improved connectivity across the site and enhance the existing public rights of way that connect the site with the wider locality. There is no objection to this aspect on highway grounds.
- 9.62. The car and cycle hub, which proposes 1,246 spaces is as a result of Bicester Village losing 2,200 spaces around Bicester. The principle of this approach (i.e. considering the loss of spaces elsewhere to justify additional parking) is reasonable, however the LHA raised concerns about the impact on an already congested network. Concerns have also been raised by local residents on the impact of the proposed development on the highway network.
- 9.63. The LHA originally raised concerns on the following elements:
- Traffic forecasting and junction capacity appraisal
  - Correct policies within the Local Transport and Connectivity Plan need to be used
  - Accident data
- 9.64. National Highways requested further information/clarification on the impact the proposal will have on the Strategic Road Network (SRN). Clarification was sort on the following elements:
- Traffic Flow forecast of A41 around junction 9
  - Expected impact on trip generation arising from the additional guest services
  - Assessment of the potential for suppressed travel demand being released as a consequence of current pressures on available parking.
- 9.65. The applicants sought to address the comments of both the LHA and National Highways. The applicants provided a Transport Assessment Addendum in response to the LHA comment, and a Technical Note in response to National Highways. These have provided further information and mitigation measures to address any adverse impacts on the highway network.
- 9.66. In order to address the impact on the highway network, the applicants have suggested that the future-proofed option is considered. This includes a future-proofed roundabout at Middleton Stoney Road and Queens Avenue/Kings End. This will include a parallel crossing/zebra crossing on the Kings End approach and include a parallel/zebra crossing on the Middleton Stoney Road approach. This has been refined from the original submission to cater for active modes of transport on all approaches.
- 9.67. The applicants have reiterated that they will still have an overall reduction of 954 car parking spaces due to the loss of parking elsewhere around Bicester. In addition, by having the parking available on land within the ownership of Bicester Village, it is easier to manage guest arrivals and departures more efficiently.
- 9.68. As a result of the further clarification and work undertaken by the applicants to demonstrate the future proofed roundabout is the only option not to create an adverse impact on the road network, both National Highways and the LHA do not object to the proposal.

- 9.69. The applicants have prepared a Draft Travel Plan, which sets out the long-term management strategy to manage the trips generated to the site, both by guests and staff. This includes increasing awareness for staff and visitors about the advantages and potential for travel by more environmentally friendly modes of transport.
- 9.70. The proposal includes the provision of 126 electric charging spaces on the first use, with further infrastructure in place for the remainder of the spaces to be electric charging points in the future, and as and when demand requires. The proposal also seeks to provide 107 cycle spaces, of which 3 will have electric charging points.
- 9.71. S106 obligations are requested for various mitigation measures, and these are detailed and explained further in Appendix 1 of this report.

#### *Conclusion*

- 9.72. National Highways following clarification from the applicants do not object to the proposal, as it is unlikely to have an adverse impact upon the SRN. They have not requested any conditions to be imposed or any contributions.
- 9.73. The LHA have recommended a condition relating to the submission of a construction management plan, as well as obligations to mitigate against the impact of the development. Officers consider the scheme complies with the above-mentioned policies.

#### Drainage and Flood Risk

##### *Policy Context*

- 9.74. 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.*
- 9.75. Policy Bicester 1 of the CLP 2011-2031 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).
- 9.76. 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*

- 9.77. The applicants have submitted a Flood Risk Assessment (FRA) to accompany the application. This finds the site partially within Flood Zones 2 and 3, which means part of the site is at risk of flooding. The areas which are within Flood Zones 2 and 3 are along the edge of the Pingle Stream.
- 9.78. The proposed flood risk mitigation strategy comes in two parts, one for land north of Pingle Drive and one to the south of Pingle Drive. The measures for the proposed development to the north of Pingle Drive consists of swales, filter drains, permeable pavements, detention basins and sub-surface storage.

- 9.79. The mitigation measures to the south of Pingle Drive includes rainwater harvesting, permeable pavements, and sub-surface storage. The finished floor levels will be set above expected flooding levels.
- 9.80. Following the submission of further information, the Lead Local Flood Authority (LLFA) has no objection to the proposed development, provided that a surface water drainage scheme is submitted to and approved in writing by the Local Planning Authority to be sought via planning condition. This is also required to be submitted prior to the commencement of the development. Also prior to the first occupation details of the construction of the SuDs and maintenance details shall be submitted to the LPA.
- 9.81. The Cherwell District Council Land Drainage Engineer has commented on the application. They are generally satisfied with the proposed development. Although as Pingle Stream is a main river, the partial culverting, and modifications to its course will require consents of the Environment Agency. These are in addition to any planning consents that may be granted.
- 9.82. The Environment Agency (EA) has objected to the scheme on three grounds. Two grounds relate to flooding and drainage issues. The EA objection 1, raises concerns over the proposed bridge culvert, which would obstruct flood flows, therefore increasing the flooding to nearby land. The culvert is not sized to accommodate the 1% annual exceedance probability. There are concerns that the proposed culvert is 28m in length, which is excessive. The EA considers the above objection could be overcome, but these points will have to be addressed and the scheme may require amendment.
- 9.83. The second objection from the EA is that the FRA submitted with the application is not acceptable. The applicants need to address the following points to overcome the second objection:
- Demonstrate this development does not impact flood storage capacity
  - Assess the impact of climate change allowances
  - Confirm all finished floor levels will be set above the 1% AEP plus appropriate climate change allowance flood level
  - Provide details of the proposed additional pedestrian/cycle bridge including its dimensions and the detailed assessment of its impact on flood risk.
- 9.84. As the site is located within Flood Zones 2 and 3, a sequential test is required. Therefore the Council needs to be satisfied that the proposed development would be safe throughout its lifetime and not lead to increased flood risk elsewhere. Although, this is not possible at this stage, given the objections from the EA. The EA's objection is considered to be possible of resolution, so the flood risk matter would, in all likelihood, be addressed. It is clear through the applicants submission that there is not another available site to develop the new car and cycle hub. Therefore, providing the applicants address the objections from the EA, the sequential test could be met.

### *Conclusion*

- 9.85. Given the comments from the LLFA and the Council's Land Drainage Engineer, it is anticipated that a surface water drainage scheme will be achievable. It is noted that the EA has objected to the proposal, however the EA has suggested that these are resolvable concerns. The applicants are in active discussions with the EA to address

their concerns. Therefore, subject to the applicants addressing the objections from the EA, it is considered that the above-mentioned Policies would be complied with.

### Ecology Impact

#### *Policy Context*

- 9.86. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.87. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.88. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions, and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.89. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.90. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

#### *Assessment*

- 9.91. The applicants submitted Biodiversity and Ecological Assessment, Ecological Impact Assessment, Bat survey and a Bio-diversity Net Gain document. The Biodiversity Net Gain is 25.02%. This includes a positive hedgerow unity change of 105.99% and 28.48% for river units.
- 9.92. At the time of writing the report the Council's Ecological Officer has not commented on the proposals. The ecological assessment and the Bat Survey has recommended a number of mitigation measures, such as the erection of bat boxes, and inspections prior to demolition. These can be controlled by way of a planning condition. It is recommended that a CEMP condition is imposed.
- 9.93. It is noted that the EA have objected to the proposal as the proposal seeks the re-profiling of the bank of Pingle Stream, and an inadequate ecological assessment has

been submitted of the main river and its corridor to assess the impacts of the development on the watercourse and its associated habitats. The EA considers that it is possible to overcome their concern, provided they provide a full river corridor survey. In addition the EA can not be sure that there will be a BNG in river units.

- 9.94. In regard to the BNG, although this could be achieved, it would also need to be subject to management, use and created habitats. A full LEMP with a management and monitoring scheme should be conditioned to ensure these targets are met. The LEMP should also include biodiversity enhancements including bat boxes etc.
- 9.95. Lighting also has the potential to result in a negative impact on protected species, and it is recommended that a condition is imposed to ensure the proposed development does not have a negative impact. This would also be important from a visual amenity perspective too.

### *Conclusion*

- 9.96. It is considered that the development could be acceptable in respect to the impact upon any habitats or protected species and that they would be safeguarded; this is provided the applicants are able to overcome the concerns of the EA. Provided the applicants are able to overcome the EA's objection (and any comments from the Council's Ecologist should any comments be received), the Council's duty under the Conservation of Habitats and Species Regulations 2017 would therefore be met and could then be demonstrated as having been discharged.
- 9.97. A net biodiversity gain has been demonstrated as being achievable, although Officers do consider that how this is achieved must be considered via the Landscape Ecology Management Plan to ensure that a net gain can be achieved.
- 9.98. On this basis, provided the applicants overcome the objection by the EA, the proposal could be considered to be acceptable in ecological terms and compliance would be possible with the above planning policies.

### Residential Amenity

#### *Policy Context*

- 9.99. Policy ESD 15 of the Cherwell Local Plan Part 1 (2011-2031) sets out the criteria for development to consider the amenity of both existing and future development. This includes privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. It also seeks to limit the impact of light pollution from artificial light on local amenities. The NPPF also requires that planning policies and decisions should ensure development creates places that are safe, inclusive, and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

#### *Assessment*

#### Land South of Pingle Drive

- 9.100. The proposed extension to the existing village is away from existing residential properties. The proposed development will be a sufficient distance from the nearest neighbour to not cause a detrimental impact through noise and disturbance and being overbearing.

#### Land North of Pingle Drive

- 9.101. The Car and Cycle Hub, which is located off the Oxford Road has the potential to result in an overbearing impact to the nearby residential properties. The nearest residential properties are located to the west (Newton Close). These are two storey properties, which front Oxford Road. Although there is a mature tree line which separates these properties from Oxford Road.
- 9.102. The residential properties to the north are also two storey properties and their orientation is towards Oxford Road. The parking spaces for these properties are to the rear. The new car and cycle hub is proposed to be 22 m in height. This is a considerable height difference between the car and cycle hub and the residential properties. If the proposed development was closer, this could have a significant impact on residential amenity. However, the proposed building is sited 50m away from the nearest residential property.
- 9.103. Given the overall design of the proposed structure, proposed landscaping and existing landscaping, the structure will not result in a detrimental impact on the nearby residential properties through being overbearing.
- 9.104. The proposal for the park area, could have the potential to result in additional noise and disturbance to the residents. However, the Environmental Health Officer has no objections to the proposed development provided appropriate conditions are imposed.
- 9.105. The car parking area is unlikely to result in any overlooking to the nearby residential properties. The nature of a car parking area is to park the cars and then to move onto the next destination. Users do not tend to stay for long periods of time.

#### *Conclusion*

- 9.106. Overall, having consideration for both parts of the scheme, it is considered that there are sufficient distances between the proposed built form and the nearest residential properties not to result in a detrimental impact on residential amenity through overbearing. In addition, given the nature of the proposal, it is unlikely to result in a detrimental impact on these properties through overlooking. The proposal is therefore considered to be in accordance with Policy ESD15.

#### Other Matters

##### *Environmental Considerations*

- 9.107. 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 that 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.
- 9.108. The NPPF includes requirements around conserving and enhancing the Natural Environment. Paragraph 174 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 relates to ground conditions. Decisions should

ensure a site is suitable for its proposed use, taking into account existing ground conditions. Paragraph 185 relates to the impact of developments on noise. Developments should mitigate and reduce to a minimum potential adverse impact.

- 9.109. The Environmental Health Officer has considered the application and its accompanying supporting documents. The Environmental Health Officer has recommended conditions are imposed relating to land contamination and any remediation scheme.
- 9.110. In regard to lighting, the officer is content with the information submitted within the Lighting Design Strategy. However, further information is required on the detailed specification and lux contours. This is required to ensure the proposed development does not result in obtrusive light. A condition is therefore recommended.
- 9.111. The Environmental Health Officer has considered the DRAFT Construction Method Statement and the Demolition and Construction ES Vol 1 Chapter 5 document. A planning condition is recommended for a detailed Construction and Environmental Management Plan to be submitted to and approved in writing by the Local Planning Authority prior to commencement.
- 9.112. The site is in close proximity to an Air Quality Management Area (AQMA) therefore there has to be a consideration to the impact of the proposed development on air quality. The Environmental Health Officer has reviewed the documents and is satisfied that an assessment is not required, however as the site is located on the edge of the AQMA requirements to ensure construction vehicles do not travel to the site between Pingle Drive and A4095 to the north. It is therefore recommended that this needs to be written within a CEMP and a Construction Management Plan. During the operation stage, provided OCC Highways are happy with the traffic flows, there are no comments with regard to air quality for the operational phase.
- 9.113. In relation to noise and vibration, during the construction phase the Environmental Health Officer is satisfied this can be controlled by way of the CEMP. For the operational phase, noise from the use of the car and cycle hub and external building services plant has been predicted as negligible at noise sensitive receptors. However, to ensure this is the case, the Environmental Health Officer has recommended a condition to be imposed.
- 9.114. Overall provided suitably worded conditions are imposed to securing noise levels and a construction management plan, the proposed development is unlikely to result in undue harm to the environment.
- 9.115. *Sustainability*
- 9.116. Policy ESD1 of the CLP 2011 – 2031 seeks to reduce the effects of development on the micro-climate, demonstration of the design approaches that are resilient to climate change. Policy ESD2 of the CLP 2011-2031 seeks to achieve carbon emissions reductions, and promotes an energy hierarchy. Policy ESD3 of the CLP 2011-2031 seeks to ensure non-residential development to meet at least BREEAM 'Very Good'.
- 9.117. The proposed development to the South of Pingle Drive, known as the Western Terrace seeks to achieve a BREEAM rating of Excellent with aspirational targets of Outstanding. The Western Terrace will have PV panels across the roof, and will have air source heat pumps, and high-performance building fabric with efficient systems. This allows for a 71% reduction in CO2 emissions.

- 9.118. The Energy and Sustainable report confirms that the car and cycle hub will be developed to CEEQUAL Excellent rating. CEEQUAL is now known as BREEAM Infrastructure, therefore it is anticipated the proposed car and cycle hub will be constructed to that standard. The car and cycle hub will feature an extensive area of rooftop PV panels. This will serve the electric charging within the hub, and potentially Bicester Village as appropriate.
- 9.119. Overall, the proposal goes beyond the requirement of Policy ESD3, in that the proposed developments on site would be above the requirement of BREEAM very good. It is anticipated that the scheme will deliver Excellent. Overall the proposal accords with Policies ESD1, ESD2 and ESD3 of the CLP 2011-2031.

#### *Conditions and S106*

- 9.120. 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 (as relevant) 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
- 9.121. The table at Appendix 1 sets out the required Heads of Terms and the justification for those requests.
- 9.122. 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 56). Tweaks/ addition of conditions may be required to the conditions to reflect queries that have been raised, or as recommended by Consultees including the Environment Agency (where there objections are still to be resolved) and following further comments/amendments during the S106 negotiation stage.

## **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 decision 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 states that the proposal creates some conflict with Policy as it will result in the loss of sports provision. Sport England currently



have an objection, but this will be removed following the completion of an appropriate S106 to mitigate against the loss of a sports field. Therefore, until this is done, there is currently an objection from Sport England. The extension to the Western Terrace is considered to be acceptable in principle as it is complementary to the existing Bicester Village.

- 10.4. The proposed development will provide the provision of additional job opportunities for Bicester. The scheme also seeks to be constructed to BREEAM 'Excellent' standard. The NPPF also supports economic development to enable businesses to invest, expand and adapt to respond to changes in circumstances.
- 10.5. The report states that there will be some changes to the landscape as a result of the inclusion of the car and cycle hub. The construction of a 22m tall building will have some impact to designated heritage assets. The impact upon the designated heritage assets is considered to be less than substantial, therefore the public benefits of the scheme have to be weighed against the harm caused. As highlighted in the report above, it has concluded the benefits of the scheme do outweigh the harm.
- 10.6. The construction of the new car and cycle hub is to mitigate against the loss of existing parking spaces elsewhere within Bicester or its vicinity. It is understood that the off-site parking spaces amounted to 2,200 spaces. The provision of 1,246 spaces within the car and cycle space will be 954 spaces less than Bicester Village was able to use elsewhere. In addition, by having car parking at the same site, it will result in less traffic going to Bicester Village and then finding alternative parking elsewhere.
- 10.7. The proposal provides appropriately for sustainable transport modes by providing improved walking and cycling infrastructure. OCC Highways have also confirmed that the proposed development would not result in a severe impact on the road network as a result of the proposed development.
- 10.8. There remains an outstanding objection from the Environment Agency, on the basis of the flood risk to the site, needing to amend the FRA, as well as provide additional information on ecology of the watercourse corridor. The EA, has confirmed that they consider these elements could be overcome. The applicants are currently liaising with the EA. It is therefore anticipated that these concerns can be overcome.
- 10.9. On balance, Officers consider that the limited harm from the proposed development, and the ability of the scheme to meet most of the required standards on site, and the justification provided to support the applicants case for a new car and cycle hub, means that the principle of development is acceptable in this case. The proposal is considered to accord with most of the above-mentioned policies except where specified or where matters are still to be resolved. The weight to be given to any conflict with Policy, alongside other material considerations is also set out. The application therefore is recommended for approval.
- 10.10. Officers are satisfied, subject to the imposition of conditions, that the development, as supported by its accompanying documents would not cause serious harm to the environment, and any environmental impacts from the proposed development can appropriately mitigated for.
- 10.11. Regard has been paid to the submitted EIA information pursuant to this development and it is considered to be sufficient for the purpose of considering this application.

## 11. RECOMMENDATION

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO GRANT PERMISSION, SUBJECT TO**

- **THE REMOVAL OF THE ENVIRONMENT AGENCY OBJECTION**
- **THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS/ ADDITIONS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- **THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE CONTRIBUTIONS AND INFRASTRUCTURE SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS AS DEEMED NECESSARY).**

**FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/ UNDERTAKING IS NOT AGREED/COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. **In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.**

### CONDITIONS

#### **Time Limit**

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

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

#### **Compliance with Plans**

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

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. 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.

4. All plant, machinery and equipment to be used by reason of the granting of this permission shall be so installed, maintained and operated so as to ensure that the rating noise level from the equipment shall be at least 10 dBA below the pre-existing background noise level (LA90) when measured at any noise sensitive premise. Measurements and rating of noise for the purpose of this condition shall be in accordance with BS4142:2014 + A1:2019 -"Methods for rating and assessing industrial and commercial sound.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996

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. 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.

7. The retail floorspace within the Western Terrace, as shown on drawing [TO BE ADDED] shall not be used for the sale of high end, full price goods or high end, full price confectionary/convenience goods unless and until a scheme/s has been submitted to and approved in writing by the local planning authority identifying the units (and/or parts of units) selling such goods. Thereafter the sale of such goods shall only occur within the units (and/or parts of units) identified for such purposes within the approved scheme.

Reason – To ensure that the limits on full price comparison and convenience goods sales are able to be monitored and enforced as necessary in the interests of preserving the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

8. The guest services within the Western Terrace, as shown on drawing [TO BE ADDED] shall be used for guest services only and for no other purposes.

Reason – In the interests of preserving the vitality and viability of nearby Town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part 1.

9. The development hereby approved shall only be used for the purposes of providing a factory outlet shopping centre selling discounted high end designer goods, with ancillary office space for the management and operation of the centre, except to allow alternative uses subject to the following limits as apply to the whole of the Bicester Village Outlet Shopping Centre (as it exists at the date of this permission):

5,000sqm floorspace (GIA) only for the display or retail sale of high end goods, other than hot food within Class E(a) use; for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises within Class E(b) use; for indoor sport, recreation or fitness (not involving motorised vehicles or firearms) within Class E(d) use; and for creche, day nursery or day centre (not including a residential use) within Class E(f) use ((as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]));

1,000sqm floorspace (GIA) of high end, full price confectionary and convenience goods sales within Class E(a) use (as defined in the Schedule to the Town and Country Planning (Use Classes Order) 1987 [as amended]);

1,000sqm floorspace (GIA) at ground floor level across up to five retail units (Class E(a)) for the sale of full price high end designer goods but with no more than 330sqm of internal floorspace.

Reason – In the interests of clarity and in accordance with Government guidance set out in the National Planning Policy Framework.

10. Except where otherwise shown in the plans, no retail unit shall be formed or created including through subsequent amalgamation where that unit would exceed 450sqm floor space (gross internal area) without the prior written agreement of the Local Planning Authority.

Reason - In the interests of creating a development of bespoke smaller high end fashion retail units that do not risk competition with nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011-2031 Part1 as well as Government guidance set out in the National Planning Policy Framework.

11. Except where otherwise allowed through other conditions attached to this planning permission, none of the units within this development shall be used for

the sale of the following category of goods (full price or otherwise): food, confectionary, convenience goods, pharmaceuticals and health produces, garden produce, dispense optical goods, books, newspapers and magazines, CDs/DVDs and other similar types of media, computers and software, mobile phones, toys, pets and pet accessories, arts and craft products.

Reason – In the interests of minimising harm to the vitality and viability of nearby town centres in accordance with the requirements of Policy SLE2 of the Cherwell Local Plan 2011 – 2031 Part 1.

#### **Pre-commencement Conditions**

12. Prior to the commencement of development, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

13. Where the submitted Ecological Assessment Report is more than two years old at the date of the commencement of the development, no development shall commence, until an updated Ecological Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of biodiversity and to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

14. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:

- a) The CTMP must be appropriately titled, include the site and planning permission number.
- b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c) Details of and approval of any road closures needed during construction.
- d) Details of and approval of any traffic management needed during construction.
- e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
- g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- h) The erection and maintenance of security hoarding / scaffolding if required.

- i) A regime to inspect and maintain all signing, barriers etc.
- j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. 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.

16. No development shall take place until a Sustainable Waste and Resources Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To support the creation of a low carbon community to achieve the requirements of Policy ESD1 of the CLP 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be managed in accordance with the approved details set out in the LEMP.

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.

18. No development shall commence until a scheme to demonstrate that the development will achieve BREEAM 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a timescale for the provision of evidence, including certificates at design stage and post construction stages. Evidence of the achievement of BREEAM Excellent shall be provided in accordance with the approved scheme.

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

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

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

20. If contamination is found by undertaking the work carried out under condition [18], prior to the commencement of the development hereby permitted, a

scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

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

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

22. No development shall take place until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

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

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with 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



**CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORK TAKES PLACE**

23. 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 the 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

24. A schedule of materials and finishes to be used in the external walls and roof(s) of the Western Terrace shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

25. A schedule of materials and finishes to be used in the external walls and roof(s) of the car and cycle hub shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance 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.

26. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on the building itself), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cawling of all external lights to the structure(s) and other parts of the application site and the hours at which such lighting is to be operated. This scheme shall ensure that light trespass at any light sensitive premises shall not exceed the requirements in the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01/20).

Reason: To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

## **PRIOR TO OCCUPATION**

27. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

28. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

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.

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

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

30. 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 delivery in accordance with Government guidance contained within the National Planning Policy Framework.

31. A schedule of landscape maintenance for a minimum period of 15 years shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule unless otherwise approved in writing

by the Local Planning Authority.

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.