

**Case Officer:** Caroline Ford

**Applicant:** Mr Cutler

**Proposal:** Outline application (Phase 1B) including access (all other matters reserved) for approximately 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, up to 177 sqm GIA of café space (Use Class A3), with an ancillary, mixed use co-working hub (794 sqm/ 8,550 sqft GIA), multi-storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards

**Ward:** Fringford and Heyfords

**Councillors:** Councillors Corkin, Councillor Macnamara and Councillor Wood

**Reason for Referral:** Major development and departure from adopted development plan

**Expiry Date:** 1 August 2020

**Committee Date:** 16 July 2020

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**EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

**RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 LEGAL AGREEMENT, THE PRECISE FORM AND WORDING OF THE CONDITIONS AND HEADS OF TERMS OF THE LEGAL AGREEMENT TO BE AGREED BY PLANNING COMMITTEE NO LATER THAN END OF OCTOBER 2020 AND PRIOR TO THE LEGAL AGREEMENT BEING COMPLETED AND THE PLANNING PERMISSION ISSUED.**

**Proposal**

The application seeks outline permission with all matters reserved except access for a development of up to 4,413sqm B1 office space (Gross Internal Area – GIA), up to 273 residential units (class C3), an ancillary gym and a mixed use co-working hub, approximately 177sqm of café space, multi storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards.

**Consultations**

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

- Wendlebury Parish Council, OCC Transport (The OCC Transport objection is expected to be resolved)

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

- Chesterton Parish Council, Bicester Town Council, CDC Ecology, CDC Licensing, OCC Drainage, OCC Archaeology, OCC Education, Thames Valley Police Crime Prevention Design Advisor, Thames Water

The following consultees **have raised comments, made a S106 request or have raised concerns** in relation to the application:

- Bicester Bike Users Group, CDC Planning Policy, CDC Economic Development,

CDC Strategic Housing, CDC Landscape, CDC Arboriculture, CDC Building Control, CDC Public Rights of Way, CDC Recreation and Leisure, CDC Environmental Protection, Oxfordshire Clinical Commissioning Group, Historic England, Natural England.

4 letters from interested parties have been received.

### **Planning Policy and Constraints**

The application site comprises land partly within and partly adjacent to the allocated site Bicester 10: Bicester Gateway. The land has a public right of way running through it and recorded site constraints include that the land has the potential for archaeology and ecology and to be contaminated. A Scheduled Ancient Monument (Alchester Roman Town) is to the south east of the site.

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

### **Conclusion**

The key issues arising from the application details are:

- Environmental Impact Assessment
- Principle of development
- Transport
- Landscape and Arboricultural matters
- Design and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Environmental Matters
- Energy Efficiency and Sustainability
- Planning Obligations

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable in principle subject to conditions and the completion of a satisfactory S106 legal agreement to ensure that the impacts of the development are adequately mitigated and provided for.

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

## **MAIN REPORT**

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

- 1.1. The application site is situated to the south of Bicester and forms a contained parcel of land 3.18ha in area positioned to the east of the A41, west of Wendlebury Road, north of an unnamed road leading to Chesterton and south of Shouler Way which links Wendlebury Road to the A41/ Vendee Drive roundabout.
- 1.2. The site is an open grassland field and contains the unused slip way to the A41. The land is surrounded by mature hedgerows, except for the northern boundary and has greater levels of vegetation to the south of the site. The land is relatively flat with some variation across the site with levels increasing on the parcel to the south of the

unused slip way to adjoin the unnamed road to Chesterton which itself rises to cross the A41 on a bridge.

- 1.3. To the north east of the site is the Bicester Avenue Garden Centre and to the south is open countryside also including Bicester Trailer Park and the site of the Alchester Roman Town Scheduled Ancient Monument is to the south east. To the west, beyond the A41 is the Bicester Park and Ride site and to the north west is the residential led development at Kingsmere.
- 1.4. The land is included within and adjacent to the allocated site Bicester 10: Bicester Gateway. The allocation is for a knowledge economy employment development for B1 Business Uses (high tech knowledge industries which may include offices, light industrial, and research and development facilities). It anticipates the creation of approximately 3,500 jobs although it acknowledges that site constraints may reduce numbers slightly.
- 1.5. The Policy Bicester 10 allocation has been brought forward in parts. The land to the west of Wendlebury Road (which includes the application site) comprises two parcels of land with outline permission having been granted; the northern parcel (Phase 1a) for a hotel (with reserved matters permission having been granted for it) and the southern parcel (Phase 1b) for B1 employment development including a small parcel of unallocated land to the south outside the land allocated.
- 1.6. The land to the east of Wendlebury Road has been the subject of two planning applications, which were resolved to be approved by the Planning Committee on the 21 May 2020. The first for B1 development and a David Lloyd Health Club on land allocated by Policy Bicester 10 and the second for further B1 development on the adjacent chicken farm which sits outside of the Bicester 10 allocation. Together these applications are referred to as Phase 2.
- 1.7. This application seeks an alternative proposal for Phase 1b. The outline permission for Phase 1b remains extant, with the ability to submit an application for reserved matters permission until 26 July 2022. The current application includes an additional parcel of land to the south of the previous site area for Phase 1b, which comprises the unused slipway to the A41 and a small parcel of land between that and the unnamed road to Chesterton.

## **2. CONSTRAINTS**

- 2.1. The application site includes a public right of way which runs across the site in the south eastern corner between the unused slip way and the Wendlebury Road, the land is potentially contaminated, it has archaeological potential particularly in the southern part of the site and it also has some potential for ecology. There are also drainage ditches close to the site. A Scheduled Ancient Monument (Alchester Roman Town) is to the south east of the site nearby.

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

- 3.1. The application seeks outline permission with all matters reserved except access for a development of up to 4,413sqm B1 office space GIA (Gross Internal Area), up to 273 residential units (class C3), an ancillary gym and a mixed use co-working hub, approximately 177sqm of café space, multi storey car park, multi-use games area (MUGA), amenity space, associated infrastructure, parking and marketing boards.
- 3.2. The submitted information demonstrates the provision of the B1 office space, café and multi storey car park and 33 residential units provided on the most northern part

of the site, with the rest of the residential development to the southern part of the site.

- 3.3. The submitted regulating plan shows the broad location for the uses proposed, the height parameters for approval, the main pedestrian and cycle linkages in and around the site, the key elevations in terms of design and identifying the archaeological constraints.
- 3.4. In terms of heights, the proposals generally follow the heights indicated in the supporting information for the original outline for the site (16/02586/OUT) (14m), although a greater height is now proposed set back from the edges of the buildings up to 17.5m. In addition, a greater height at the north western corner of the site to reflect the hotel opposite (17.2m) with a set back allowing for a height up to 19.6m is now proposed. The area adjacent to the Wendlebury Road identified for development is proposed to a maximum height of 8m.
- 3.5. The housing units are indicatively proposed as 40 studio flats, 138 1 bedroom units and 95 2 bedroom units.
- 3.6. The access arrangements for the site include two 'T' junctions taking access from the Wendlebury Road as well as the provision of an offsite footway/ cycleway to run south along the western side of the site (alongside the A41) with this extended along the disused slip road to the Wendlebury Road. The proposal also indicates footway and cycle linkages achievable onto the Wendlebury Road side.
- 3.7. The applicant is presenting the development to be an 'innovation community' supporting the knowledge-based economy employment sought by Policy Bicester 10 and seeks to accommodate entrepreneurs and young professionals on a live/ work basis.

#### **4. RELEVANT PLANNING HISTORY**

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

##### Phase 1 (a and b)

16/02586/OUT – Permitted – Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sq m (Gross External Area) of B1 employment-based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards.

17/02557/REM – Permitted – Reserved matters to 16/02585/OUT – Erection of hotel and associated works.

##### Phase 2

19/01740/HYBRID – Resolved to be Approved – 'Hybrid' planning application comprising: - Outline planning permission (all matters reserved except for access) for B1 development (Use Classes B1a and/or B1b and/or B1c); highway works (including provision of a new roundabout at the junction between Vendee Drive and Wendlebury Road); creation of a wetland and landscaped areas and associated infrastructure works. - Full planning permission for a health and racquets club, associated access and car parking, outdoor tennis courts, air dome, outdoor swimming pool, spa garden and terrace, and associated landscaping.

19/01746/OUT – Resolved to be Approved – Outline planning application (with all matters reserved excluding access) for B1 development (B1a and/or B1b and/or B1c); access and associated landscaping and infrastructure works

## 5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal by Officers in Development Management.

## 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 (amend as appropriate). The final date for comments was **19 March 2020**, although comments received after this date and before finalising this report have also been taken into account.

6.2. Two comments have been received from the general public and are summarised as follows:

- Support the application in principle but have a number of comments.
- The number of residential units is a lot.
- 273 units on an area previously categorised in the local plan as commercial will generate a lot more traffic movements onto the Wendlebury Road than purely commercial units.
- The applicant suggests the units will be to meet the housing need of Oxford city and be used by an educated demographic who will commute. What about affordable housing? Why place so many units into a small area with roads on 4 sides. Why is there no parking for some of them?
- The drainage ditches on either side of the Wendlebury Road are essential to avoid flooding across the single carriageway. How will the increased traffic movements be accommodated without frequent jams?
- The Vendee Drive roundabout is already a problem. There have been more accidents including fatalities at the roundabout than the data suggests.
- The flood risk and drainage statement does not include reference to the residential units. Would the arrangements be different for residential units compared to commercial? The information suggests land levels need to be raised and a package pumping station to control the rate of discharge. This appears to be because of the archaeological features on site.
- Thames Water have identified that there is the possibility of no/ low water pressure and request that there should be further consultation with Thames Water if CDC are minded to approve the application. Fresh water supply and foul water treatment considerations for the proposed development merit serious consideration.
- A light controlled pedestrian crossing should be provided on the dual carriageway between the development and the park and ride to enable safe pedestrian crossing and avoid accidents.

- The proposed café is positive, but this should also include a convenience store which would have benefits for the residents of the development and other nearby residents.
- The access paths to the south of the development will be improved and it is hoped this will include lighting on the south side.
- It would be good if a bus route could be diverted to serve the development.

#### 6.3. Banbury Ornithological Society:

- BOS has been working with the applicant and Cherwell District Council to design a biodiversity scheme at the Bicester Wetland Reserve to offset the loss of habitat associated with the original plans for Phase 1 and 2. This scheme would be delivered by BOS in collaboration with Thames Water. The estimated cost of delivering the project is £36,000 and therefore the applicant's proposal to provide an additional £6,000 to enable full funding is welcomed.
- Supportive of the applicant's proposal to install at least 20 integral Swift bricks in clusters at suitable elevations. In combination with Swift brick installation in the Phase 1 hotel, there will be a significant contribution to Swift conservation in Bicester. Swift brick provision is advised to be prioritised over boxes for other species as the construction of new buildings is a unique opportunity to provide swift nest boxes for decades to come.
- The provision of small areas of wildflower meadow and native tree planting is supported. In more formal areas where non-native trees and shrubs are planned, it is requested that berry bearing Rowan species are planted as these are an attractive sustainable supply of food to some bird species.

#### 6.4. Quod on behalf of the applicant for Phase 2 Albion Land: **Strongly Objects:**

- The proposals will fundamentally undermine the delivery of the Development Plan allocation which the site is part of and, therefore, the Development Plan's strategic approach to employment delivery and sustainable growth.
- The interaction between Phase 1b and Phase 2 needs to be fully considered. The proposals are inconsistent with the Phase 2 development and will undermine its delivery and operation.
- There is no provision for residential development at the site through Policy Bicester 10, of which most of the site falls within. The key concern though is that the proposed residential use is not compatible with the delivery or operation of a strategic employment area due to the potential for complaints from future occupiers and a desire to restrict the operation of premises/ occupiers at the business park.
- The location, design, scale and massing of the buildings will be of critical importance to the business park as a whole. This should be carefully considered. The concerns of the Council's Landscape Officer are noted. The LPA should seek a Development Framework Plan to ensure a cohesive and complimentary approach to the development of the allocation and integration with the surrounding development.
- Albion Land would support the LPA in securing an attractive Boulevard along Charles Shouler Way.

- Highway concerns including the highway arrangement proposed, parking provision, concerns over linkages including for pedestrians and cyclists, the potential for local bus services to be compromised and the need for the development to contribute towards strategic highway improvements.
- No noise assessment has been provided and the operation/ occupation of the proposals have the potential to impact the proposed employment space across Phase 2 including noise sensitive office spaces and have a cumulative noise impact on the surrounding existing sensitive receptors.
- The drainage proposals are objected to based on the potential increased flows without proper consideration of their interaction with flows from the Phase 2 scheme.
- Concerns regarding the approach to EIA Screening carried out and the LPA should be satisfied that its Screening Opinion conclusion is robust and compliant with the EIA Regulations 2017.
- This is not a suitable location for residential uses because it is divorced from existing and proposed residential development in Bicester and is distant from key local facilities and amenities. There would be reliance on the private car.
- If a residential development is to be allowed at the site, there should be a legal obligation to link the delivery and occupation of any new homes to the comprehensive delivery and operation of the employment proposals. Otherwise there will be no control. The plan also does not restrict the location of the B1 and C3 uses so the proposed homes could be within the boundary of the Bicester 10 allocation.
- The provision of new homes reduces the amount of suitable land for B1 uses and job creation. There will also be an impact on out-commuting of people from Bicester to other locations to work.
- There is a lack of clarity around net biodiversity gain. There is reference to an offset scheme but it is not clear how on site habitat compensation was considered first.

6.5. 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. Where a second response has been received, this will be following re-consultation on receipt of additional/amended information.

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. CHESTERTON PARISH COUNCIL: **No objection** to this proposal, the major traffic and road issues this presents are reliant upon the critical responses from OCC Highways. The Parish Council has consulted with Bicester Gateway already.

7.3. WENDLEBURY PARISH COUNCIL (first response): Supports the concept of a development designed to deliver high quality employment in research and development of products and processes that encourages the knowledge economy. However, the Council **objects** to the current proposals on the following grounds:

- Concerned with the traffic congestion from the developments on the Policy Bicester 10 site on the A41, surrounding roads and the Wendlebury Road through the village. These concerns include:
  - The A41 has seen a number of serious collisions and fatalities at the A41/ Vendee Drive junction and on the A41 in recent years.
  - Junctions 9 and 10 of the M40 operate at capacity and when accidents occur, queuing and rat running occurs on surrounding roads.
  - Problems and hold ups will inevitably lead to more rat running through Wendlebury.
  - Despite the Transport Statement, the Parish Council believes the development will generate a significant amount of travel as users may not be from Oxford or local and its location will mean that it will not reduce the need to travel or reduce dependence on private cars.
  - The application represents an over-intensification of the site.
- The concerns the Parish have are supported by the NPPF and Policies SLE4 and ESD1 of the Cherwell Local Plan.
- Each of the applications on the Bicester 10 site will generate their own traffic and transport issues and it is the cumulative impact of these developments adjacent to each other that will lead to impact on the local road network. Other nearby developments will also generate traffic.
- Where developments accumulate, the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 state that cumulative effects should be considered. This is despite each application needing to be considered on its own merits.
- The scheme represents a change of use and a departure from the Local Plan.
- The application is predominantly residential which is not what the site was allocated for and not what Bicester 10 was aiming to achieve on an important gateway site to the town.
- If the Council is minded to approve the application, a planning condition to secure a Framework Travel Plan should be imposed to include discussions with the Parish Councils affected by the cumulative developments at Bicester 10 before any development is permitted.

#### 7.4. WENDLEBURY PARISH COUNCIL (second response):

- Disappointed that Officers have consistently failed to take into account cumulative traffic and infrastructure impact on the village of Wendlebury and other surrounding rural communities. For example at the Vendee Drive roundabout and how to resolve the mismatch of differing proposals to improve cycling provision.
- The current pandemic has resulted in an absence of traffic and an improved quality of life. Concerns remain that the Bicester 10 developments will result in rat running.

- A Travel Plan should be included to ensure tenants and employees at all sites do not route via Wendlebury.
- Recent decisions have set aside the principles of Policy Bicester 10.
- There are issues about impact of additional housing, medical support, water pressure and sewerage treatment.

7.5. BICESTER TOWN COUNCIL: **Welcomes** this application but has concerns about the road network at Vendee Drive and pedestrian crossings. Request that this is looked at carefully. The Council like the concept but have concerns over access.

7.6. BICESTER BIKE USER GROUP: **Concerns** from the perspective of cycle users:

- Recognise that there are aspects of the design which are good but there are a number of outstanding concerns about the design as follows:
- The lack of pedestrian and cycle use of the southern side of Charles Shouler Way which means the fullest possible use of walking and cycling is not being made or enabling connections between Phase 1b and Phase 2.
- The lack of a route across Charles Shouler Way near the Wendlebury Road for cyclists.
- Concerns regarding the crossing of the Charles Shouler Way arm of the Vendee Drive roundabout due to vehicle speeds and the width of the road. The uncontrolled crossing and refuge would not comply with standards. A solution for pedestrians and cyclists could be considered.
- Unconvinced by the developer's preference to route cyclists from the National Cycle Route along the A41. The Wendlebury Road has slower traffic speeds and improvements are recommended.
- Could the Wendlebury Road North be made one-way for vehicle traffic (Northbound only) to enable the carriageway to be redistributed to allow for a shared path that could continue north on the west side of Wendlebury Road?

7.7. BICESTER BIKE USER GROUP (second response):

- There are positive aspects to the amended design for the crossing at the Vendee Drive roundabout, in particular the reduction from 3 to 2 lanes on the south side will reduce the distance needed to cross making it safer. The wider splitter island is also now sufficiently wide.
- Continue to query the lack of a shared pedestrian/ cycle path on the south side of Charles Shouler Way.
- Commend the upgrading of the obsolete A41 route for pedestrians and cyclists. Users will likely prefer the Wendlebury Road given the topography.
- Remain concerned about the lack of pedestrian or cycling provision along the NCR route on the Wendlebury Road.
- A 30mph limit would be more suitable than the 40mph limit proposed.

## CONSULTEES

### 7.8. CDC PLANNING POLICY (first response): **Objection:**

- The Cherwell Local Plan 2011 to 2031 Part 1 allocates strategic sites for employment and housing development at Bicester. Policy SLE1 helps to deliver the Plan's strategy to locate employment proposals at Banbury, Bicester and Kidlington and aims to address Bicester's imbalance between homes and jobs and the Plan's aim to reduce out commuting.
- Policy Bicester 10 allocates 18ha of land for B1 business uses to provide the opportunity to encourage the knowledge economy in Cherwell by enabling businesses which have or want links to the Oxford cluster as well as direct spin out companies to locate to Bicester. Its development would also provide employment in Bicester helping to reduce out commuting to Oxford and London which is an objective of the Local Plan. No residential development is allocated on this site.
- The application includes proposals that are inconsistent with the strategy in the Development Plan in terms of the Plan's allocations.
- It is outside the built-up limits of Bicester. Whilst it is noted that the indicative masterplan in the application currently shows residential development outside the Bicester 10 allocation, employment development outside the allocation would be inconsistent with Local Plan Policy SLE1. However, having regard to the extant permission 16/02586/OUT, no Policy objection would be raised to B1 development on the land within the application beyond the Bicester 10 allocation.
- If this development were to be granted there would be a reduction of approximately 10,500sqm of B1 floorspace when compared to the extant permission.
- Proposed B1(a) office within the Bicester 10 allocation is in accordance with the local plan and is supported in principle.
- Policy SLE1 sets out criteria for assessing applications on employment sites. The application is on land which has a previous permission for employment uses. The applicant will therefore need to demonstrate that the requirements of SLE1 have been met by providing evidence of why employment use should not be retained. It is noted that the applicant has provided information of the very limited demand for office accommodation in Bicester, however an assessment of other employment (B uses) is also required.
- Policy BSC1 states that 10,129 houses will be delivered at Bicester between 2014 and 2031. There were 2119 housing completions in Bicester between 2011-2019 and 3,348 with planning permission (at 31/03/2019) according to the Council's December 2019 AMR.
- The AMR also demonstrates that the District presently has a 4.4 year housing supply for the period 2020-2025. This is against a 3 year housing land supply requirement as set out in the Secretary of State for MHCLG's written statement (12 September 2018) granting a temporary change to housing land supply policies as they apply in Oxfordshire.
- The merits of providing additional homes (including affordable homes) on this site is noted.

- Whilst the concept of live-work communities, particularly for young innovators is interesting, concerns are raised about the practicalities of controlling the future occupiers of the proposed dwellings to the target sectors.
- The amenities of the future occupiers of the dwellings will also need to be considered as the development would be located in a predominately employment area on the edge of town. This particular location is a greenfield site isolated from other residential communities and some distance from other local services and facilities.
- The proposed retail and café elements are town centre uses and will need to be considered against the requirements of Policy SLE2.

#### 7.9. CDC PLANNING POLICY (second response):

- A key objective of the Local Plan's spatial strategy is to achieve a greater balance between homes and jobs at Bicester to significantly reduce out commuting from the town. One of the key economic challenges was to make Bicester more attractive to new businesses, particularly knowledge-based and high- technology companies.
- Further information is required to assess whether the proposals are in accordance with the development plan in terms of a consideration of whether there is demand for other B uses, including those within B1. Other applications in the immediate locality would seem to indicate there is some market demand.
- Any residential development within the Bicester 10 allocation would be a departure from the development plan.
- There is provision in the Plan to consider other uses on employment sites, but this is only when they have remained undeveloped in the long term and there is no reasonable prospect of the site being used for that purpose. The application as currently submitted lacks substantive evidence that employment uses (other than offices) would be unviable and inappropriate.
- The benefits of the innovation community should be considered. If the merits of creating this, in this location outweighs other policy considerations, then a limited element of residential development may be acceptable, but concerns are raised regarding the practicalities of controlling the future occupiers of the proposed dwellings to the target sectors. Safeguards will also be needed to avoid a situation where the residential element of the scheme is delivered without the associated employment.

7.10. Following the receipt of further information to address the above, CDC Policy confirmed they had no further comments to add.

*Officer comment: Since the Policy comments were received, updated housing figures have been published with the position at 31/03/2020 being that there have been 2,403 housing completions at Bicester between 2011-2019 and 4,732 with planning permission.*

#### 7.11. CDC ECONOMIC DEVELOPMENT: **Comments:**

- Support the proposed creation of office space and a co-working hub to support innovative working practices on part of this strategic employment site to create modern space to enable the 'knowledge economy' to develop.
- For the 'innovation community' concept to succeed, careful consideration will be needed on the design and management of the on-site residential elements and offsite linkages. As with all live/work units, the tenure and design of such accommodation will be an important consideration when assessing how successful this community could be.
- Questions regarding the truly innovative nature of the proposal – for example, only 4 electric vehicle spaces are proposed. Amongst innovative residents and businesses, it is expected this would be a much higher proportion.
- The detail of the proposed development would need to be carefully considered to ensure a successful concept is realised on site including, physical and virtual linkages with adjacent sites and facilities and elsewhere in Bicester, effective long-term management arrangements and demonstration of how the residential element of the proposal would support innovation to transform the Bicester Knowledge Economy.

#### 7.12. CDC STRATEGIC HOUSING: **Concerns:**

- In accordance with BSC3 in the Cherwell Local Plan Part 1, all developments proposed at Bicester that include 11 or more dwellings would be expected to provide at least 30% of new housing as affordable homes. This would require 82 homes on this site. Of these, and in line with Policy BSC3, it is expected that 70% should be provided as affordable/ social rented dwellings and 30% as shared ownership. Normal expectations are that affordable housing addresses housing needs and reflects a proportion of property types and sizes. There are also expectations around accessibility and the units should be designed to meet the DCLG Technical Housing Standards – Nationally Described Space Standard. This scheme raises the following concerns:
- The scheme is a fully flatted development and does not offer a mix of housing that is normally required.
- Most households with a 2 bed need are families with children and a lack of private outdoor space for children generally makes flats inappropriate. There is no formal play provision (LAP or LEAP) so it would be unsuitable for younger children.
- A Registered Provider needs to be agreed with the Council and greater assurance that an RP would be willing to take one type of dwelling as a single scheme would be required as this is unusual in the District and generally not attractive to RPs.
- Affordable units would normally be distributed evenly across a site with clusters of no more than 15 dwellings, of which no more than 10 of the dwellings are rented. This would not be possible on this scheme. Blocks are likely to be mixed tenure which can be challenging for RPs to manage.
- The development is aimed at younger entrepreneurs and knowledge economy workers yet qualifying affordable housing tenants are unlikely to fit this profile. Local facilities would need to be accessible.

- To accept flats on a scheme with so much ancillary space (lifts etc), would require an understanding of the predicted level of services charges as this could impact affordability especially for social rent tenants.

7.13. CDC LANDSCAPE (First response): **Number of questions** raised as follows:

- The assertion to create denser landscaping for the purpose of shielding the residential areas should be questioned.
- Concerned about the visual impact of the proposed green wall to the western and eastern boundaries. No indication of the height and width of the wall; cross sections would be required. The deposition of spoil from foundations may be used to construct the wall.
- A naturalistic looking earth mound could be used to gain height with trees planted; cross sections would be required. This will keep uncontaminated subsoil and topsoil on site to be used sustainably.
- Cross sections should include building heights with year 0 and year 15 growth projections.
- The BS5827 constraints for the protection of hedgerows is required (i.e. the root protection area).
- The land acquisition for the green wall would be better used to plant larger native trees on the western boundary.
- Suggestions for planting are made to give year round cover and for native planting for the western boundary.

7.14. CDC Landscape (Second response):

- Concerned that the cumulative landscape and visual impacts have not been adequately addressed. The development should be mitigated by larger native trees for users of the A41. There should be a wider boundary between the site boundary and the position of buildings to allow for the growth of native trees, for the fitness route and the inclusion of a verge to minimise disturbance to ground floor flats.
- Detailed points raised relating to matters of layout, detailed planting points raised, the need for protection to be incorporated to protect planting. Planning conditions should be imposed to seek details of the landscape proposals. A landscape management plan is required.
- On site play provision is essential. One of the courtyards could accommodate an equipped LAP and in the area to the west of the blocks, a combined NEAP/LEAP is required. A play area strategy is required.

7.15. CDC ARBORICULTURE: **Comments:** Whilst tree removals are mentioned within the tree survey report, there are currently no plans such as an Arboricultural Impact Assessment detailing which trees are to be removed in order to implement the proposal. There are also no plans detailing trees to be retained and how their root protection areas sit within the proposal. A method statement would be required once layout is for consideration to detail how retained trees will be protected. The trees on site should not pose a constraint to the proposal, however some further information is required.

7.16. CDC ECOLOGY (First Response): **Comments:** No issues with the scheme from an ecological point of view. The following is provided:

- The suggested enhancements on site are welcome and likely to be valuable in this location. Some areas of planting are relatively small but may be difficult to manage in the long term. The green walls and podiums could be valuable. Wildlife value should be taken into account when choosing species as well as local conditions.
- Conditions are required to seek a Landscape Ecology Management Plan, a Construction Environment Management Plan for biodiversity and to put in other safeguards to ensure best practice as well as to require walkover protected species checks prior to works beginning. A lighting scheme is also required.
- An offsetting scheme is appropriate here and will be valuable locally in the wider landscape. A recalculation of the biodiversity net gain should be provided to show what will be achieved using an approved metric so that the level achievable and aimed for is clear.

7.17. CDC ECOLOGY (Second Response): **No Objections to the proposals on ecological grounds**

- The comments are similar to those reported above, however following the receipt of a net biodiversity gain calculation demonstrating a net gain is not achievable on site, it is confirmed that the offsetting scheme has previously been extensively viewed and is acceptable such that an overall net gain is very likely to be achieved.
- Conditions as set out above continue to be sought but a further condition is also recommended related to the need for a biodiversity enhancement condition to include locations, types and numbers of all nesting, roosting and habitat box/ brick features.

7.18. CDC ENVIRONMENTAL PROTECTION: **Planning conditions are required** relating to matters including:

- Noise (to ensure all habitable rooms will achieve noise levels specified in British Standard Guidance for indoor and external noise levels),
- Contaminated land,
- Air quality (to seek an Air Quality Impact Assessment due to the proximity of the development to Bicester Queens End/ Kings Avenue AQMA, and the likelihood of increased traffic flow from the development into the AQMA, which should include a damage/ cost calculation and proposed mitigation measures where necessary),
- EV charging infrastructure (to encourage the uptake of low emission transport opportunities),
- Odour (an odour impact assessment if the chicken farm adjacent to the site is operational due to the potential to cause nuisance),
- Light (a full lighting scheme should be submitted for approval).

- 7.19. CDC RECREATION AND LEISURE: **Comments:** S106 contributions sought towards the improvement/ upgrading of Kingsmere Community Centre, towards the costs of employing a community development worker, towards outdoor sport provision to expand/ upgrade the Whitelands Farm Sports Ground and/ or improvements to the community use sports facilities at Alchester Academy and towards indoor sport provision towards the expansion/ enhancement of indoor facilities at Bicester Leisure Centre.
- 7.20. CDC BUILDING CONTROL: **Comments:** Development would require a Full Plans building regulations application. A robust fire strategy will be required with facilities and access for fire fighting vehicles to reflect approved guidance.
- 7.21. CDC LICENSING: **No comments**
- 7.22. CDC PUBLIC RIGHTS OF WAY: **Comments:** The proposed development will require a part diversion of the Chesterton Public Footpath 161/8 which runs directly across the site as the proposed location of Building 7 will obstruct the current legal alignment of this footpath route. The comments in the PRow statement are noted but the fact that the current footpath appears to be unused is irrelevant. The grant of planning permission that requires a Public Path Order does not guarantee that one will be made or confirmed. Advice regarding an application towards a Public Path Order is provided in respect to the consultation required and the quality of a diverted footpath given the District Council have a duty to safeguard existing rights of way wherever possible.
- 7.23. OCC TRANSPORT (first response): **Objection** on the following grounds:
- The application does not provide for a high degree of integration and connectivity between the site and existing developments contrary to Policy Bicester 10 of the Cherwell Local Plan 2011-2031. In particular, pedestrian/ cyclist facilities along Wendlebury Road should be proposed.
  - The assessment of traffic impact is not considered sufficiently robust.
  - The assessment of the access junctions is not sufficiently robust.
  - Vehicular accesses into the site have not been tracked for refuse and delivery service vehicles
  - There must be a relocation of the 40mph speed limit zone to allow for safety improvements.
  - The previously committed highway improvements must still be provided.
  - There are some concerns around parking arrangements, particularly the proposed provision of car free units.
  - Comments made with respect to the Travel Plan.
  - S106 requests are made for contributions towards highway improvements on the A41, towards strategic transport improvements towards the South East perimeter road, towards the cost of administering a TRO, towards monitoring the travel plans and to secure commitment to entering into a S278 agreement at the appropriate time.
  - Planning conditions are also recommended

#### 7.24. OCC TRANSPORT (second response): **Objection:**

- The application continues not to provide for a high degree of integration and connectivity between the site and existing developments. Connections should be provided onto the Wendlebury Road because residential developments generate movements at all times of the day and night from a wider range of individuals and for a wider range of journey purposes including shopping and leisure. Residents are likely to want to walk along the Wendlebury Road frontage to access facilities to the north as well as phase 2. This is a safer, quieter option than using the route alongside the A41.
- The objection relating to the robustness of the transport assessment is removed as the trip rates are as agreed at the scoping stage. The trip generation of the proposed 33 car free units should not be removed on the basis they will be car free as they are likely to attract some trips. However, it is agreed that even if the trips from the 33 units were added, then the trip generation of the proposal is less than that of the consented development.
- Car free development continues to be of concern given the location of the site at the extreme edge of town does not have the quick, convenient pedestrian access to a wide range of facilities that would justify car free development. This could also lead to overspill parking outside the site.
- Whilst the development would take the roundabout slightly over capacity, the additional queuing and delay would be very modest. The minor capacity improvements at the roundabout that are a requirement of the extant permission should not be required if the proposed development is implemented in its place.
- Vehicle tracking has been provided showing these vehicles can enter and exit the site. They do however illustrate that Wendlebury Road is too narrow for large vehicles to pass while turning and there may therefore be a need for minor localised widening at the accesses to prevent verges being overrun. This can be dealt with via the suggested planning condition seeking full details of the access junctions.
- The site access junctions have been modelled to test their capacity and the queuing and delay is shown to be minimal.
- Planning conditions and obligations originally requested are unchanged, with the exception that the requirement for the highway works to Vendee Drive Roundabout and the mini roundabout on Wendlebury Road are not required.

7.25. OCC COUNTRYSIDE ACCESS OFFICER: **Comments:** OCC welcome the improved access with the exercise trail and cycle way links. There is a concern regarding Chesterton Footpath 8 which crosses the site. The footpath is acknowledged in the application but contrary to the statements made, it is used and is passable and volunteers undertake work to maintain vegetation. The route also connects to the other section of Chesterton Footpath 8. Whilst OCC would not object to the route of the footpath being altered, it should be integrated with the development and improved to meet the pressures caused by the development whilst retaining the character where appropriate. In addition, upgrades could enable improved connectivity and accessibility for all. The proposed improvements should be discussed and agreed with OCC. Planning conditions are recommended as well as advice relating to the need for an application to be made for a temporary closure of the footpath during the construction phase if user safety cannot be ensured via mitigation measures.

7.26. OCC DRAINAGE (first response): **Objection** for the following main reasons:

- The proposed drainage, flood risk and SUDs proposals are not aligned with national or local standards
- The FRA is not accepted as of sufficient standard by the Lead Local Flood Authority.

7.27. OCC DRAINAGE (second response): **Objection** as a new surface drainage strategy is awaited following discussion.

7.28. OCC DRAINAGE (third response): **No objection** subject to the imposition of planning conditions.

7.29. OCC EDUCATION: **No objection** subject to contributions towards primary and nursery and secondary (including sixth form) education.

7.30. OCC ARCHAEOLOGY (first response): **Objection**: The results of an archaeological evaluation will need to be submitted along with any planning application for this site in line with paragraph 189 of the NPPF. The main points of concern are:

- Parts of the site have not been subject to investigation and the site is in an area of considerable archaeological interest immediately north of the scheduled Roman Town of Alchester.
- The new proposal has removed the previously agreed area of preservation as agreed for the previous application and proposes development within the area. This would disturb the significant archaeological deposits within the area.

7.31. OCC ARCHAEOLOGY (second response): **Objection** as the additional information does not alter previous comments made.

*Officer Comment: OCC Archaeology have informally advised their objection will be removed on the basis of additional information subject to the imposition of conditions. A formal response confirming this is expected to be received following a formal re-consultation.*

7.32. HISTORIC ENGLAND (First Response): **concerns regarding the application on heritage grounds**. The following issues and safeguards need to be addressed in order for the application to meet the requirements of paragraphs 189 and 190 of the NPPF and footnote 63. Should harm to the scheduled monument be identified, it must be justified as required by paragraph 194:

- There will be no direct impact on archaeological remains within the scheduled monument but archaeological work has shown that remains of equivalent importance lie within the site. Further evaluation of these matters is required before determination of the planning application, as the extent of the remains of potential national importance has not yet been fully defined. Remains of equivalent importance to designated remains should be treated as if they were designated.
- The 2016 heritage desk based assessment submitted with this application concludes that the development has the potential to cause some harm to the scheduled monument because the development will impact the significance as contributed to by its setting. The assessment of this impact should be reconsidered and revised taking the following into account:

- The application is for a revised scheme with revised indicative building footprints, massing and landscaping. The 2016 assessment is out of date and the submitted Archaeology Summary note does not mention setting.
- The 2016 assessment confuses the setting assessment by bringing the extra mural buried archaeological remains into the discussion.
- The same Heritage Consultant is currently undertaking a revised 5 stage setting assessment of the adjacent site to the east. It should therefore be comparatively straightforward to assess this site.
- Whether the two sites are assessed separately or together, it is important that the cumulative impact is considered.
- Views out from the scheduled monument should form part of the assessment and the extent to which the new development would change the experience of the monument should be made clear, particularly with regard to visibility.
- Cross-referencing to landscape and visual assessment will be helpful as this assessment has been updated for the new development.
- Policy Bicester 10 states: '*Conservation and enhancement of the setting of Alchester Roman Town Scheduled Ancient Monument and the setting out of opportunities to better reveal its significance*'. The revised assessment should make clear how the development will comply with this key principle.

7.33. HISTORIC ENGLAND (second response): No further comments over those reported above. The points raised have not been addressed.

7.34. THAMES VALLEY POLICE CRIME PREVENTION DESIGN ADVISOR: **No objections but there are some concerns** in relation to community safety and crime prevention design. In order to assist, it is recommended that the applicants provide a commitment to achieving accreditation under the Police's Secured by Design scheme and the British Association's Safer Parking Scheme. A condition should be imposed to require this to ensure that the opportunity to design out crime is not missed. Advice is provided to assist in order to create a safer and more sustainable development including concerns regarding the permeability of the layout, the type of lighting proposed, the need for natural surveillance not to be compromised by landscaping, concerns over the large parking area indicated at the southern end of the site and the need for careful consideration to be given to public communal areas and their treatment. Advice is also provided in relation to the buildings themselves.

7.35. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **A S106 request is made** to secure a contribution towards the expansion plans of the Bicester Primary Care Network to provide sufficient capacity to meet the healthcare needs of the residents of this proposed development.

7.36. NATURAL ENGLAND: **No comments** to make. CDC should use standing advice to assess the impacts of the proposal on the natural environment.

7.37. THAMES WATER: **No objection** with regard to foul water sewerage network infrastructure or to surface water drainage (on the basis that the application indicates surface water will not be discharged to the public network), however

approval is needed from the Lead Local Flood Authority. Following initial investigations, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of the development. A planning condition is recommended.

## **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)

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE4 - Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC3 – Affordable Housing
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Wellbeing
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 – Infrastructure

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

- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guide
- SPD Developer Contributions
- 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 Impact Assessment
- Principle of development
- Transport
- Landscape and Arboricultural matters
- Design and impact on the character of the area
- Heritage impact
- Residential amenity
- Ecology impact
- Flood Risk and Drainage
- Environmental Matters
- Energy Efficiency and Sustainability
- Planning Obligations

### Environmental Impact Assessment

- 9.2. The application is not accompanied by an Environmental Impact Assessment and neither was the extant outline permission for Phase 1 (a and b). The application was nevertheless screened upon receipt as the application is of a type listed in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and it exceeds the relevant thresholds. The screening conclusion was that EIA was not required to support the application. This conclusion was reached taking account of the scale, nature and location of the proposed development, including impacts in cumulation with other adjoining development. In coming to this conclusion, regard was had to the difference between the impacts of the previously approved (and extant) development compared to that now proposed. The full screening opinion and detailed reasoning for the conclusion is available on the file.
- 9.3. An objection has been received querying the robustness of the screening opinion. Officers are satisfied that the screening opinion issued has reached the correct conclusion and has been properly reasoned such that this proposal is not required to be supported by EIA.

### Principle of Development

#### *Policy Context*

- 9.4. 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.

- 9.5. The Development Plan for Cherwell includes the Cherwell Local Plan 2011-2031 (adopted in July 2015), the saved policies of the Cherwell Local Plan 1996 and a number of adopted Neighbourhood Plans.
- 9.6. Policy Bicester 10 of the CLP 2031 Part 1 allocates an area of land to the southwest of Bicester, described as Bicester Gateway, for the provision of B1 Business Use (office, research and development, light industrial), with development focussed on high tech knowledge industries. The policy sets out that approximately 3,500 jobs could be delivered through development of the site in this way, albeit recognising that site constraints may reduce numbers slightly. It is envisaged that the Bicester Gateway development has the potential to be a major high-quality employment area at this critical gateway to the town and that there is an opportunity to encourage the knowledge economy associated with Oxford to locate to Bicester. The policy includes a number of key place shaping principles to create a high-quality development at this important gateway site as well as to provide for a well-connected development in transport terms and to enable site constraints to be appropriately responded to.
- 9.7. Policy SLE1 of the CLP 2031 Part 1 applies to B Use Class development. It supports the provision of employment development on new sites allocated in the plan for the type of employment development specified within each site policy. The pre-ambule to the policy confirms that it also applies to sites which have planning permission for employment uses. In this respect, the policy is clear that existing employment sites should be retained for employment uses unless certain criteria are met:
- The applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term.
  - The applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable.
  - The applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.
- 9.8. Policy SLE1 also advises that 'regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use'.
- 9.9. The application proposes development on both land allocated by Policy Bicester 10 and land outside of the Bicester 10 allocation. The application follows a previous approval for the wider Phase 1 land as described in paragraph 1.5 and 1.7. That outline permission approved development on land outside of the allocated site to the south of Phase 1b. The Officer report concluded on this matter that the extension was logical given that the land comprises one field (with there being no physical boundary between land allocated and unallocated) and given it's contained nature meaning that it's development would not have a materially adverse effect on the natural landscape. In addition, its development would help deliver further employment development on land that would, if left undeveloped, have little environmental, economic or social value. The principle of developing to the south of the land allocated by Bicester 10 adjacent to Phase 1b for a commercial use is therefore established by the extant outline permission albeit there is a further small extension proposed now which must be assessed.

- 9.10. This application proposes an alternative scheme for Phase 1b and seeks to introduce alternative, non-commercial uses on both the allocated and unallocated land. On the basis that the proposal seeks permission for development outside of an allocated site and for some uses that differ from the Class B1 development supported by Policy Bicester 10 on the allocated site, the application has been advertised as a departure from the Development Plan.
- 9.11. The application proposes up to 4,413sqm GIA of B1 office space on the land allocated by Policy Bicester 10. This land use complies with the type of employment development expected by Policy Bicester 10 and Officers consider this to be acceptable.
- 9.12. Also, on the land allocated by Policy Bicester 10, the application proposes up to 33 residential units, an ancillary mixed use co-working hub of around 794sqm GIA (to include a site management office, lounge area, desk space for hire, an active travel hub, a small food retail facility) and around 177sqm GIA of A3/ Café use.
- 9.13. The application also proposes 240 flats with an ancillary gym, amenity space, a Multi-Use Games Area and children's play area on land predominantly outside of the allocated site but due to the boundary line of the site on the policy map, some of this development is likely to sit in the allocated site.
- 9.14. Whilst the site is not allocated for residential uses, it should be noted that the strategy of the CLP 2031 Part 1 as set out at Policy BSC1 is to focus the majority of new residential development at Bicester and Banbury with limited development elsewhere. As regards the provision of an A3 café, Policy SLE2 applies a sequential approach to the location of Main Town Centre Uses as set out in the NPPF. An impact assessment is also required for proposals over 1500sqm at Bicester.

#### *The Applicant's Case*

- 9.15. Before assessing the proposal against the policy baseline, it is relevant to note the applicant's case. The applicant has submitted a marketing strategy which advises that since the commencement of marketing the site in 2014, only one company has expressed an interest in relocating to the site, which was unsuccessful because the company eventually decided to acquire a site within the location they were already based. The marketing report identifies limited demand for office space within Bicester. It does however note that the town is due to expand in size considerably which could increase demand but that in any event, the perception of the town and its ability to be an attractive location for office uses needs to be changed.
- 9.16. The applicant has therefore re-considered their proposals for the Bicester Gateway site and now propose an 'innovation community'. Their submission identifies that such a use could provide the step change to reverse the current perception of the Bicester commercial position so that it becomes a vibrant town attractive to innovation and regionally significant inward investment. The aim is to attract 'inward innovators' (young professionals and entrepreneurs) by creating residential accommodation close to workplaces that allows flexibility for new styles of working and living, which in turn will attract knowledge based inward investment from corporates/ employers. They argue that such a proposal will complement and expand the economic success of Oxford (including its national and international success in innovation) to elsewhere in the County, provide an opportunity to increase the innovative potential of Bicester and provide a well-connected link to the city in a sustainable location. Their view is that the proposal would contribute to the vision of the OxLEP Local Industrial Strategy.

9.17. Further information was also sought from the applicant in order to assess the proposal against the three points set out within Policy SLE1. Further information building on the marketing strategy has therefore been provided. This can be summarised as follows:

- The marketing campaign has been undertaken for B1a, b and c uses.
- There has been no interest for B2/ B8 uses.
- B1a has been the preference due to this providing greater employment generation and as it is considered that B1a commonly represents a high proportion of land use in knowledge economy parks.
- Companies looking for space for alternative uses have expressed some interest in the site such as a car show room, A3 restaurants/ coffee shops/ drive throughs, high end retail, museum/ tourism facility, a self-storage business. These have not been discounted but not pursued currently.
- It is considered that a high proportion of B1b and B1c would make it difficult to achieve the placemaking requirements of Policy Bicester 10 at this important gateway to Bicester.
- In terms of economic viability, it is argued that the current problem at Bicester is that office rental levels are low compared to other locations, which when combined with high building costs in constructing a high quality and high functioning office building means that viability can become a problem.
- An alternative use mix for commercial uses could be viable but that would have implications on employment numbers, quality of development and potential non-compliance with Policy in terms of use class.
- The site has been marketed for large units only, as whilst the latent demand is for smaller units, this was not pursued as this would be less viable given that small units as individual buildings would mean a reduced level of built development across the site and due to smaller units having the potential to reduce master planning flexibility.
- The applicant's strategy is to use an innovation community concept to attract meaningful B1a or B1b occupiers, looking for a high-quality building with a higher jobs yield and to build a sense of place that will be attractive to knowledge economy workers.
- There is plenty of B1 employment land in Bicester to meet market demand for many years to come, but there is probably an undersupply of land for B8 uses. The loss of land for residential uses would not limit the amount of land available for employment at Bicester.
- The site has remained undeveloped in the long term (over 5 years). It is considered unlikely a B1a employer would express interest between now and when the extant outline expires in 2022. The innovation community is proposed to provide the supporting steps to kick start the knowledge economy in Bicester. This is on the basis that the residential element is delivered ahead of and as an attractor for, the B1a element.
- It is considered that the Policy tests of SLE1 are passed, or areas of non-compliance are minor/ insignificant in the planning balance.

- The applicant advises that the main residential element of the innovation community is on the unallocated land. The proportion of employment development on the allocated site is similar to the approved scheme. 33 units are proposed on the allocated land but these would sit above B1a uses and would only be constructed if the B1a proposal is not of a scale that requires 3 or 4 storeys. This combined with the concept proposed outweighs the value of retaining the unallocated land in an employment use.

9.18. Having regard to the economic strategy expounded by the Local Plan, Officers acknowledge there is some merit in the applicant's case. Paragraph C.17 of the Local Plan sets out that to meet the key economic challenges facing Bicester, the Council needs to make it an attractive place for modern business and improve the town's self-sufficiency. Opportunities for knowledge and higher value companies and businesses that will help reduce the proportion of out-commuting are important. Policy Bicester 10 allocates a site to provide for a major high-quality employment area for the knowledge economy that would help to provide employment and to reduce the number of people out-commuting. The contribution this development makes to meeting the objectives of the Local Plan must therefore be considered. The proposal raises a number of issues for further consideration in this regard, the two principal ones being:

- The proposal would result in the loss of land previously committed for employment development. This would, in turn have an impact upon the job numbers likely to be provided on site.
- Whether the principle of residential development in this location can be considered to be acceptable, such that the merits of the proposal outweigh the loss of committed employment development.

*Employment uses and job numbers*

9.19. Turning first to the issue of the loss of land for employment development. Most of the land to be lost for employment purposes is the land outside of the Bicester 10 allocated area. The committed employment development has not been built but the outline permission remains extant. Policy SLE1, as summarised in paragraph 9.3 confirms that existing employment sites should be retained for employment use unless certain criteria are met and the supporting text to the policy confirms that the approach also applies to sites with planning permission for employment uses.

9.20. The applicant's case is summarised above. Officers do not wholly agree with the applicant's position in that whilst Policy Bicester 10 sets out a placemaking approach and sets out its expectation of a gateway approach to design which is most easily achieved by a B1a form of development, the Policy does not require only B1a uses allowing for flexibility in the uses to meet the requirements of the knowledge based sector within the wider B1 sector. However, Officers agree that on the basis that the majority of the land to be used for the residential uses is outside of the allocated site, the proposal would not have the effect of materially limiting the amount of land allocated for employment at Bicester.

9.21. The Bicester 10 site was allocated for B1 uses, with 3,500 jobs predicted to be provided for. The policy did however acknowledge that site constraints could reduce numbers. Site constraints have had an impact, as well as the alternative complementary 'catalyst' uses including the hotel, leisure facility and now the residential proposal. Additional land has however been included such as the poultry farm, which has assisted in providing additional employment numbers and, the catalyst proposals do themselves provide employment opportunities.

- 9.22. The original proposal for Phase 1 (a and b) demonstrated that 550 jobs could be achieved (500 on Phase 1b and 50 on Phase 1a). For the current proposal, the applicant has calculated that 375 jobs could be achieved on Phase 1b so, when taking the 50 jobs on Phase 1a, this would give 425 jobs across Phase 1 (a and b); a reduction of 125 jobs.
- 9.23. For Phase 2, 1500 employment opportunities have been accepted (including 110 jobs at the health and rackets club). This gives a combined total of 1,925 across Bicester 10. This combined total was concluded to be reasonable in meeting the Policy Bicester 10 requirements in respect of the reports for the Phase 2 sites (19/01740/HYBRID and 19/01746/OUT). The same conclusion is therefore reached for the current application.
- 9.24. Nevertheless, the proposal will result in the loss of land that has been permitted for employment use and which could contribute to meeting the shortfall in jobs to be provided at Bicester Gateway, contrary to SLE1. Paragraph 81 of the NPPF states that planning policies should “be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances”. Furthermore Paragraph 120 of the NPPF states that “Planning policies and decisions need to reflect changes in the demand for land”.
- 9.25. The applicant’s position is that their proposed residential use is to create an innovation community which is inherently linked to making the wider Bicester 10 site attractive to future investors by attracting the people who could work at the site first to create a successful knowledge based economic development at the site. In this context, the proposal seeks to provide for other planning objectives to outweigh the value of retaining the land for purely commercial uses. In the light of the NPPF guidance referred to above and noting that the majority of the residential use is proposed outside the allocation, Officers consider that these other planning objectives do weigh in favour of the proposal.
- 9.26. It is however relevant to note that whilst an ‘innovation community’ concept is proposed, the applicant is unwilling to accept planning controls to secure this. The applicant has advised that should a condition or planning obligation be imposed to restrict the use, that the development would be un-fundable and therefore such a restriction could not be accepted. Their view is that the market would control occupancy in that the proposal seeks a particular form of development being small flats in a live/ work environment that would therefore appeal mainly to the young professional market.
- 9.27. Officers therefore consider that the weight to be given to the ‘innovation community’ concept is limited, and it is necessary to also consider the suitability of the site being developed for residential use in more general terms. This is on the basis that the units could well be affordable and attractive to a wider market than just ‘young professionals’ and there is no guarantee that the introduction of residential uses will create the innovation community vision albeit it could be an opportunity to do so.

#### *Residential uses*

- 9.28. The strategy of the CLP 2031 Part 1 as set out at Policy BSC1 is to focus the majority of new residential development at Bicester and Banbury with limited development elsewhere. Bicester has the highest number of dwellings to be provided through the plan period on the sites allocated for residential development. The current site is not allocated for residential development and so if the proposal were to be supported, this would be counted as a windfall site.

- 9.29. Bicester is a sustainable location for additional residential growth. In this case, the land is to the south of Bicester and adjacent to proposed employment sites and complementary uses to be provided. The provision of walking, cycling and public transport links by this and nearby development means that the site will be well connected to local services and facilities both at Kingsmere to the west of the A41 and to the north including the town centre, supermarkets, garden centre and the train stations. The site is also well located to the park and ride site.
- 9.30. In the view of Officers, it would be hard to argue that this location is unsustainable. In addition, the units would count towards the Council's Housing Land Supply position, which is currently at 4.4 years supply for the period 2020-2025. Whilst this is currently against a 3 year housing land supply requirement (as confirmed by a Written Ministerial Statement from September 2018 which applied a temporary change to housing land supply policies in Oxfordshire), meaning that the tilted balance at paragraph 11d of the NPPF is not engaged, additional residential development in a sustainable location would contribute to maintaining a robust supply of housing for the District.
- 9.31. The proposal is for 240 residential units, indicatively shown within three blocks predominantly on the land adjacent to the allocated Bicester 10 site (albeit some of the units would sit on the allocated site due to the position of the boundary line on the Policy map), and 33 units within the land allocated by Bicester 10. The 33 units would be provided within mixed blocks also housing the B1a space proposed, but, their presence on the allocated site would not comply with Policy Bicester 10. The provision of a large number of flats in a single location is unusual in Cherwell District and it would provide a relatively large development of one type of unit mainly small in size. However, should it be demonstrated that such a proposal can be appropriately accommodated, this is not a factor that should weigh against the scheme as it would provide for a type of accommodation for the market that is not commonly available in Bicester.
- 9.32. Notwithstanding the above, an important factor in the site's suitability for development is its relationship to the Bicester 10 allocation; stand-alone residential development on the site would appear isolated and poorly connected and would not be acceptable without development coming forward on the allocation. Whilst the occupancy of the residential units cannot be controlled so as to guarantee an "innovation community", the application is nevertheless for a combined employment and residential development on a greenfield site, which is partly on unallocated land. Whilst it is concluded that the development of land outside the allocated site can be considered acceptable as a logical extension of the allocated site (as was the case under the extant permission), this is on the basis that it is delivered alongside development on the allocated land. As such, the commercial development is required to be delivered in a timely fashion alongside the residential development to make the development as a whole acceptable. The applicant has advised that the 240 residential units would be proposed to be constructed first to provide the accommodation to attract businesses. Officers consider that it is necessary to seek a phasing plan to require the commercial space to be delivered alongside the residential uses, with a restriction on the occupation of the residential space until development of the commercial floorspace has commenced.
- 9.33. As the application proposes over 11 dwellings at Bicester, the proposal is required to provide for 30% affordable housing on site in accordance with Policy BSC3. The policy sets out the expectation that this is split between 70% affordable/ social rented dwellings and 30% as other forms of intermediate affordable homes, usually shared ownership but the NPPF does identify other forms. The applicant is committed to meeting the Policy requirement in respect of affordable housing and

discussions are required further as to the specific arrangements which are covered later in this appraisal.

#### *Other uses*

- 9.34. Paragraphs 9.12 and 9.13 set out the other uses proposed. In terms of the proposed ancillary gym, this sits on the land proposed for the residential development and is not identified as being situated within a standalone building. Apartment blocks are often provided with an ancillary gym for use by residents only and on this basis, this is considered acceptable.
- 9.35. The proposed hub is also considered to be an acceptable proposal on the allocated site being a flexible space for business as well as other uses and again its provision with an ancillary retail space is considered acceptable.
- 9.36. The proposal indicates a café space. On the basis that this is a main town centre use and is standalone and provided with its own car park, a sequential assessment has been sought. This concludes that the use is directly linked to the concept of the knowledge hub being promoted as part of the application and is therefore intended to support the function of the knowledge economy. The assessment finds that although there are likely to be other, more central sites available, that these would not support the knowledge economy proposals sought at Bicester Gateway. If the proposal is located on land associated with the policy designation, then it offers advantages from an accessibility and community point of view. As such there are important market and locational requirements which mean that the use is best placed in the specific location proposed as part of the current application. Officers accept the arguments made in this regard given the size of the proposed café is relatively contained, and consider it would support the proposals for the innovation community and this element of the proposal is unlikely to impact the vitality and viability of the town centre.

#### *Principle of including further unallocated land in the application site*

- 9.37. The application site includes an additional area of land to the south of the previous outline site area. This land is the unused slipway to the A41 and a small parcel of land between that and the unnamed road to Chesterton. No development is proposed on this land, other than the tidying up of the condition of the unused slip road and the vegetation such that it can provide an attractive and safe route for pedestrians and cyclists to access new infrastructure to be provided alongside the A41 and the public right of way and a better maintained setting for the site overall. Officers consider the inclusion of this land is justified in the same way as the wider land that sits to the south of the Bicester 10 allocation line as was previously considered in the extant outline permission for the site. Whilst this land is physically separated from the wider site, it is contained and well related to the site. No development is proposed on the land and it being related to the site in terms of long-term management and maintenance would be beneficial with there being no material adverse effect on the natural landscape.

#### *Conclusion*

- 9.38. As set out, the proposed development would result in the loss of land previously committed for employment development (albeit predominantly on land that is not allocated for development). The proposal does not fully satisfy the tests of Policy SLE1 in terms of considering whether the land should be retained for employment purposes, however the applicant has made a case that there are other planning objectives that would outweigh the value of retaining the site in an employment use.

- 9.39. The proposed innovation community has the potential to contribute to meeting the economic and social aims of the Local Plan for Bicester, however some reservations are held as to the weight that can be given to this concept given the units will be open market units available more widely than just the target market. However, Officers are persuaded that given the proposal would not materially have the effect of limiting the amount of land allocated for employment and would not compromise the number of jobs that, realistically, can be delivered on the Bicester 10 allocation, alternative uses on the non-allocated part of the site can be considered. The site does represent an opportunity to provide for residential development which, if it were to successfully achieve an innovation community, has the potential to support the high-tech knowledge industry and attract employers to the town, which itself would comply with the ambitions of Policy Bicester 10 and be in accordance with the guidance in the NPPF. Even if the innovation community did not come to fruition, there would remain a strong physical relationship between the residential and the employment development and as such this is considered to be a sustainable site that will be well connected to the town. Whilst the Council's Housing Land Supply remains above the 3 year requirement, the development would contribute to the Council maintaining a robust supply of housing. The provision of affordable housing is also a positive aspect to the scheme.
- 9.40. The other uses have been considered to be acceptable in principle as discussed above and conditions can be used to ensure these uses operate in a manner which is complimentary to the innovation community concept.
- 9.41. On the basis of the above, it is considered that the proposal could be concluded to be acceptable in principle subject to a consideration of the merits of the scheme in other respects.

#### Transport

##### *Policy Context*

- 9.42. The National Planning Policy Framework is clear that transport policies have an important role to play in facilitating sustainable development with encouragement provided to sustainable modes of transport to reduce reliance on the private car and to achieve safe and suitable access to the site.
- 9.43. Policy Bicester 10 of the CLP 2031 Part 1 requires the provision of a detailed transport assessment to assess the impact of the proposed development on the strategic road network. It also identifies the importance of the provision and encouragement of sustainable travel options, to provide safe pedestrian and cycle access and to secure a layout that enables a high degree of integration and connectivity to other existing and proposed development. Policy Bicester 10 also identifies the need for contributions from the development to be made to allow for improvements to the surrounding local and strategic road networks.
- 9.44. Policy SLE4 of the CLP 2031 Part 1 requires that all new development should facilitate the use of sustainable modes of transport and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

##### *Assessment*

- 9.45. The application is accompanied by a Transport Assessment which considers the proposed Phase 1b development against the consented development. This is presented as representing a robust basis from which to assess the traffic impacts of the development as the ethos of the development may impact upon the trip rates.

- 9.46. The Transport Assessment finds that the development would result in a significantly lower predicted trip generation than that which would have resulted from the consented B1 office development on Phase 1b. On this basis, the proposed mixed-use development would have a lower impact on the local road network than is currently consented for the site. The TA anticipates that the development's impact would actually be lower than as predicted due to the concept proposed by the site and the emphasis on sustainability.
- 9.47. In their first response to the application, OCC objected to the assessment of trip generation and advised that this was not sufficiently robust. Following the receipt of a response from the applicant's Transport Consultant, OCC reviewed their position on this matter and confirmed that the trip generation rates were agreed. Whilst the assessment does not include trips from the originally proposed 33 car free units (now proposed to be provided with a space each), OCC do accept that even if these units were added, then the trip generation remains less than that of the consented development.
- 9.48. The reduced traffic impact reduces the impact upon the highway network and, therefore the need to provide offsite highway mitigation. In this regard, an improvement secured by the existing consent for Phase 1 at the Vendee Drive roundabout, to widen it to provide additional capacity, is not now required. As was reported at May Planning Committee in respect of the Phase 2 development, this widening is also not required for that development.
- 9.49. The application proposes two main vehicular access points from the Wendlebury Road and access is sought in full so details of these access points are provided. OCC required tracking drawings for these accesses, which was subsequently provided (albeit based upon a layout that is indicative). Following the receipt of this information, OCC confirmed that the tracking showed that large vehicles could enter and exit the site but that Wendlebury Road is too narrow for large vehicles to pass while turning which may require some localised widening at the accesses to prevent verges being overrun. It is requested that this information be sought via planning condition alongside full details of the access junctions for further assessment. The site access junctions have also been modelled to test capacity and this has also been accepted. As such, the access junctions for the site are considered acceptable on the basis that the speed limit is altered to reduce the speed of the Wendlebury Road to include the accesses and their required vision splays.
- 9.50. Discussions have been undertaken through the consideration of the application relating to accessibility for pedestrians and cyclists and this is identified as being important by Policy Bicester 10. The extant outline permission for Phase 1 identified a 3m footway/ cycle link to be provided alongside the A41, all the way along the western edge of both Phase 1a and Phase 1b. This would extend and then link into the existing infrastructure north of Bicester Avenue Garden Centre and to the disused slip road to the south providing links to the rest of Bicester including Kingsmere. The 3m route from Charles Shouler Way northwards will be delivered given the implementation of development on Phase 1a (the hotel). The current proposal reflects the arrangements already secured to the south of Charles Shouler Way to provide the 3m route south to the disused slip road, with this upgraded to provide a link along to the Wendlebury Road. This would also involve a crossing on the Charles Shouler Way arm of the Vendee Drive roundabout, the design of which has been re-considered through the processing of the application. OCC are still to comment on this amendment at the time of writing this report.
- 9.51. Accessibility for pedestrians and cyclists has also been discussed to enable access onto the Wendlebury Road. This would enable those users to access Phase 2 but also travel north along this quieter route (rather than the busier, less attractive A41

route), to access services and facilities to the north, which is likely to be more attractive for those living on site at all times on each day (i.e. into the evenings and at weekends).

- 9.52. The access arrangements resolved to be approved for Phase 2 would provide for a section of pedestrian and cycle route on the western side of the Wendlebury Road south of the proposed roundabout. Connections from the site to this section of infrastructure have now been shown indicatively. This is acceptable and should residential occupations occur following the new roundabout infrastructure being installed, then there would be a clear, safe and accessible route north for residents/ employees of Phase 1b.
- 9.53. If Phase 1b were to result in occupations prior to the installation of the new roundabout infrastructure, then discussions are being undertaken for a crossing of Charles Shouler Way to the eastern end and a northbound route enabled. This work has not progressed to a designed solution yet, but discussions are ongoing with the Highway Authority and an appropriate arrangement proposed to be secured via the S106.
- 9.54. All of the above would enable good connections to various public transport links including bus stop provision on the A41, on the Wendlebury Road and to the park and ride site.
- 9.55. Bicester Bike Users Group (BBUG) have raised the point regarding the lack of a pedestrian/ cycle route on the south side of Charles Shouler Way. Whilst such a route is desirable, it has been considered that it is not necessary for this to be provided on accessibility grounds. This is because routes are available between the east and west to the north of Phase 1a, and through the developments on Phases 1a and 1b towards Phase 2 and vice versa. On this basis, the requirement of Policy Bicester 10 to maximise walking and cycling links has been met.
- 9.56. In addition, BBUG also request that a northbound route on the western side of the Wendlebury Road be provided for pedestrians and cyclists to enable access to the hotel on Phase 1a. BBUG suggest that the Wendlebury Road north of Charles Shouler Way could be made one way to allow for the provision of room to enable such provision and beyond to the north, however this would compromise the bus route agreed for Phase 2 (and the bus stop provided on the southbound side) which is agreed and where there is already a northbound route to be provided to the eastern side which is acceptable. Again, it has been concluded that the lack of this provision is not unacceptable as routes will be available northbound. The access arrangements via the proposed roundabout have a resolution for approval by the applications on Phase 2 and those reports explained the design rationale in detail relating to its design which has also been through a safety audit and accepted by Oxfordshire County Council as the Highway Authority.
- 9.57. On the basis of the proposals for consideration here, it is considered that an acceptable pedestrian and cycle arrangement can be achieved. This is because pedestrians and cyclists will be able to access offsite infrastructure both on the A41 (to be provided by this application and that adjoining) and on the Wendlebury Road (to be provided by Phase 2 or through an arrangement to be agreed relating to this site) and links will be available through the site east/ west.
- 9.58. Car parking is provided for on site via a multi storey car park, undercroft parking and some open parking. The parking numbers proposed are for 1 space per residential unit. This is increased from the original proposal because 33 residential units were proposed as car free, however Officers agreed with the Highway Authority that this location does not lend itself to car free development. These spaces would be

undercroft under the residential development. The multi storey car park would accommodate 147 spaces for the office space, 2 spaces for café staff and 2 spaces for site management staff. The proposed Masterplan demonstrates some open parking along the south of the site, and it is anticipated these would be linked to the residential use but as the site layout is indicative, the arrangement of the parking provision will require later consideration. Nevertheless, the development is within a well-connected location given the pedestrian and cycle links allowing access north to the town centre and train stations and to bus connections, with bus stop infrastructure provided within proximity. In addition, if the sustainable ethos of the site were to be successful, then car ownership could be lower than would normally be expected. In any event, a car park management plan is considered to be required to be requested by condition to ensure it is clear how this arrangement would be managed. The opportunity for and provision of EV charging infrastructure for the parking spaces is also proposed to be secured via condition.

- 9.59. Linked to this, is the requirement for a Travel Plan which would be expected to set out how sustainable modes of transport will be promoted. This development has a sustainable aspiration in terms of its nature. A Framework Travel Plan was submitted with the application and a number of comments were made by the OCC Travel Plans Team. An updated document was submitted, however additional comments have not yet been received from OCC. In light of this, a condition is recommended to require the provision of phased Travel Plans.
- 9.60. The application will also require the accommodation of a public right of way within the design of the site which will require its diversion (Chesterton Footpath 8 161/8). The current alignment runs across the south western corner of the site linking the disused road and the Wendlebury Road. The route is identified as a constraint in the application and whilst proposals have not been made as to the exact alignment, the Regulating Plan identifies the provision of a route in a similar position to its existing alignment. The final route would therefore require final agreement once the site layout is considered further. The principle of a realignment is considered to be acceptable in planning terms, particularly as the existing route is not fully accessible for all and exits onto to Wendlebury Road with no pedestrian infrastructure. However there is a formal process with a Public Path Order being required. The response from OCC identifies that the site offers the opportunity to improve the connectivity and accessibility so it is considered likely that providing a diverted route meets the requirements for a diverted public right of way, it is likely this could be considered acceptable. There would also be safeguards needed in place during the construction process in respect of temporary obstructions/ arrangements. In addition, the extant outline permission for the site concluded on a similar basis to the above.

### *Conclusion*

- 9.61. The proposed development has been concluded by your Officers to be acceptable in highway safety terms as set out above both in terms of the impact of the development on the highway network and its likely contribution to the provision of walking and cycling links. Whilst the Highway Authority are yet to confirm their final position to the application, this is likely to be received by the Committee date and outstanding issues around connectivity are expected to be resolved. On the basis of the above, the application is considered to meet the requirements of Policy Bicester 10 and SLE4 of the CLP 2031 Part 1.

## Landscape and Arboricultural matters

### *Policy Context*

- 9.62. Policy ESD13 of the CLP 2031 Part 1 relates to Local Landscape Protection and Enhancement. It requires development to respect and enhance local landscape character and not to cause visual intrusion into the open countryside or to cause harm to important landscape features and topography.
- 9.63. Policy Bicester 10 of the CLP 2031 Part 1 sets out the requirement for development proposals to be accompanied and influenced by landscape/ visual and heritage impact assessments and it requires structural planting and landscape proposals within the site to include retention of existing trees and hedgerows and to limit the visual impact of new buildings and car parking on the existing character of the site and its surroundings.
- 9.64. The National Planning Policy Framework, as part of encouraging good design, identifies that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

### *Assessment*

- 9.65. The application is accompanied by a Landscape and Visual Impact Assessment which finds that the likely visual and landscape character impacts are likely to be slightly adverse and that the current proposals are broadly consistent with the previously consented scheme in terms of massing, height and associated visibility within the surrounding landscape albeit, it refers to the buildings being significantly lower in height than the hotel, which is not the case as will be explained below. The LVIA finds that there are likely to be positive landscape effects associated with the landscape design and management proposals arising from this scheme. The newly proposed landscape design is considered to be an improvement over the dense car parking arrangement that dominated the consented scheme.
- 9.66. The Landscape Officer has raised concerns with the LVIA in terms of the cumulative assessment of landscape and visual harms. Officers are content that it is appropriate to consider the proposal against the baseline of the extant outline permission in terms of landscape and visual impacts at this outline stage.
- 9.67. The extant outline permission that exists for the site demonstrated four buildings located along the western edge of the site, served predominantly by car parking and landscaping to the east. The buildings were designed to be seen and to create a 'statement'. The current proposal seeks to also concentrate the proposed buildings predominantly to the western edge of the site with the buildings almost continuous along the A41 frontage albeit, the LVIA acknowledges that a residential use tends to benefit from a greater level of vegetation provision to protect the residential areas from the adjacent road. The proposal also proposes buildings to the northern edge of the site and a multi storey car park to the north eastern edge of the site.
- 9.68. The buildings themselves are proposed at varying heights and whilst scale is a matter reserved for later approval, it is important to assess at this outline stage maximum parameters to control future development and to be satisfied that the amount of development applied for can be appropriately accommodated. The southern part of the site where the majority of the residential use is proposed (and no commercial use), is proposed to extend to 14m in height to the parapet but with the height extended to 17.5m set back 3m from each edge of the building. The approved office development indicated heights of 14m for those buildings and

therefore the southern part of the site is comparable with the extant development, with the greater height likely to be only perceptible from longer distances given the setback.

- 9.69. To the northern part of the site, the majority of the buildings are proposed at the same height as described above (14m to the parapet but with the height extended to 17.5m set back 3m from each edge of the building). However, a 'L' shape block on the corner (fronting the A41 and Charles Shouler Way) is proposed to be increased to 17.2m in height to the parapet but with the height extended to 19.6m set back 3m from each edge of the building. This height is higher than the extant permission indicated for the office buildings (14m), however, in the context of the adjacent hotel, which is 17.5m in height, this height, on a restricted area at the north west corner of the site is considered acceptable. Views of the hotel, particularly when approaching from the west are prominent due to its scale and mass currently and Officers consider that another building on the opposite side of Charles Shouler Way of a similar height and scale would be acceptable in this context and would create a gateway to the business park, before the buildings drop in height to the south. The greater height in terms of the set back is also likely to be perceptible only from longer distances. The corner of this block is shown relatively close to the current alignment of the Wendlebury Road, however once the roundabout to be provided by Phase 2 is in place which realigns the road and provides a wide open area, the building will appear set back and the presence of a greater height at the roundabout is acceptable in terms of creating a feature.
- 9.70. To the east of the site, a building is proposed up to 8m in height (with its core/ solar panels extending to 12m in height). This is indicated to be for a multi storey car park. Again, once the Wendlebury Road is realigned and the roundabout provided, this building would be set back from the road and its height is comparable with the heights to be approved on Phase 2 to the east of the site. There is an indication that a green wall could be used on certain buildings, and this could soften the appearance of the building if used on the multi storey car park.
- 9.71. Officers consider that the height parameters proposed, including the increased height of 17.2m with a setback height of 19.6m, to be acceptable. Whilst the height is greater than anything else within proximity (apart from the hotel), the site is a strategic allocation for a knowledge-based economy where business parks commonly include tall buildings and creating a sense of arrival in the town with buildings of scale, presence and architectural merit would be advantageous. In this case, other uses are proposed, but it is considered on balance that the proposal remains acceptable in landscape and visual terms, particularly in the context of what could result should a reserved matters application be made against the extant outline permission.
- 9.72. It is noted that the previous Case Officer concluded in respect of the extant outline permission that whilst the combined proposals for Phase 1 were not necessarily sympathetic to the traditional rural landscape character of the area, the site's allocation means that some harm is inevitable. Any harm, when balanced against the benefits of that development would likely be outweighed, particularly providing a high-quality design could be achieved.
- 9.73. The application is accompanied by Landscape Strategy Plans. It is not proposed to approve these given that landscaping is reserved for later approval, however these plans do indicate how landscaping could be provided for, to enable structural landscaping and to provide opportunities for green infrastructure links including space for landscaping between the area of built development and the A41 corridor. They also identify the creation of a pleasant landscaped environment internally within the site which is achievable by way of alternative approaches to car parking

provision. This approach is considered to be beneficial and would enable the site to achieve the high-quality form of development sought whilst creating areas of structural landscaping to assist in softening (not hiding) the proposed buildings and other associated development.

- 9.74. With regard to existing vegetation, the plan demonstrates that just three Ash trees and a section of hedgerow will need to be removed from the north-west corner of the site to enable connectivity for pedestrians and cyclists. The proposal will also require the removal of hedgerows to enable the provision of the two vehicular accesses alongside required vision splays, and other vegetation will also need to be removed to allow for the provision of cycle and pedestrian accesses as identified on the submitted Regulating Plan. It is considered that this can be assessed at reserved matters stage once the exact position of the cycle and pedestrian access arrangements are identified. The tree report finds that generally the existing condition, quality and landscape value of the trees is mostly poor (other than a few trees identified for retention). Otherwise, the majority of existing vegetation will be retained with landscaping proposals to enhance the site to be identified through the reserved matters. Existing trees and vegetation would need appropriate protection.
- 9.75. The removal of vegetation and the provision of accesses along the Wendlebury Road will change its current rural character (as will the proposals resolved to be approved on Phase 2), however this is an inevitable consequence of development and given this is an allocated site is unavoidable.

#### *Conclusion*

- 9.76. On the basis of the above assessment, Officers consider that the landscape and visual impacts of this proposal are acceptable having regard to the extant consent. The proposal would involve some visually prominent development, but, if this were to be delivered to a high quality, any potential impact could be mitigated. In addition, the delivery of commercial development and residential in a sustainable location on and adjacent to an allocated site where development has been anticipated, particularly if the residential use supports the delivery of economic opportunities at Bicester is considered to be acceptable. On this basis, the proposal is considered to comply with Policies ESD13 and Bicester 10 of the CLP 2031 Part 1 and the NPPF.

#### Design and impact on the character of the area

##### *Policy Context*

- 9.77. Policy Bicester 10 of the CLP 2031 Part 1 requires compliance with Policy ESD15 and confirms that a well-designed modern area with the provision of high-quality property is required in order to attract and retain 'best in class' technology companies. It also refers to the need to achieve a high-quality design and finish, with careful consideration given to layout, architecture, materials and colourings and careful consideration given to building heights to reduce overall visual impact.
- 9.78. Policy ESD15 of the CLP 2031 Part 1, relates to the character of the built and historic environment and it seeks to ensure that development complements and enhances the character of its context as well as being designed to meet high design standards.
- 9.79. The National Planning Policy Framework also sets out the importance of good design, advising that this is a key aspect of sustainable development and enables better places to live and work to be achieved.

## *Assessment*

- 9.80. As the application is currently at outline stage, the application is accompanied by a regulating plan (for approval) that has been amended through the application process, plans showing an indicative masterplan and landscape masterplan and a Design and Access Statement. The previous section dealt with the parameters proposed for the scale and landscaping of the development and these also apply in terms of design and therefore the impact on the character of the area.
- 9.81. The result of the Masterplan indicating the buildings along the western side of the site, which is inevitable given the intention to create a high-quality development when viewed from the A41 and given constraints on site such as archaeology, is that the eastern side of the site is left open. In the extant permission, this was identified as large areas of car parking which would have been stark, especially with these areas having relatively little opportunities for landscaping. The current proposal indicates undercroft car parking and a multi storey car park, which would limit the external space needed for parking (albeit some is shown) and therefore give far more opportunities for landscaping (within the constraints of the site, including archaeology). The proposals also indicate features such as green walls, and solar PV, which will embed sustainability into the design and (in the case of green walls) could aid in softening certain buildings (such as the multi storey car park).
- 9.82. The indicative information demonstrates a high quality albeit high density environment with modern buildings and external, landscaped amenity space. This also stems from the proposed concept of the site to create an attractive 'work/ life/ play' co-working, co-living environment that will attract 'inward innovators' to, in turn, attract high quality knowledge-based industries to the site. The amended regulating plan demonstrates where key frontages would be provided as well as where development is focussed enabling the gateway location to be the focus and provide an appropriate entrance to the town.
- 9.83. The Thames Valley Police Crime Prevention Design Advisor has raised a number of comments regarding potential issues that could result from the information provided to date. As the application is at the outline stage and the material submitted is indicative only, it is appropriate for these comments to be considered in detail as part of the consideration of a reserved matters scheme.
- 9.84. The proposal also indicates the potential for a MUGA to be provided on site as well as a children's play area which although are not shown on the Regulating Plan to be approved, can be secured through the S106 in an appropriate location (which also takes account of matters such as the archaeological constraints – explained below). The site does not provide large areas of open space; however it is close to both the proposed Community Woodland and the facilities at Kingsmere which can be accessed on foot or by cycle. In addition, the Regulating Plan does indicate a network of paths within and around the site which is positive from a health and wellbeing point of view.

## *Conclusion*

- 9.85. On the basis of the above assessment, Officers consider that the information submitted to date provides for a sound basis against which future detailed design proposals can be assessed against at reserved matters stage. This will ensure that the proposed development complies with the high-quality design aspirations for the site as set out within Policy Bicester 10 and more generally for the District as set out within Policy ESD15 of the CLP 2031 Part 1.

## Heritage Impact

### *Policy context*

- 9.86. There are no designated Listed Buildings in proximity of the site that would warrant full assessment. In terms of Conservation Areas, the closest is at Chesterton, over 550m to the west of the site. In addition, the Alchester Roman Town Scheduled Ancient Monument (SAM), which comprises an approximate 10ha area, is to the south and south east of the site. Furthermore, archaeology is a known constraint which also requires consideration.
- 9.87. 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*'. The NPPF also states that where a development proposal leads to harm to the significance of a designated heritage asset the harm should be weighed against the public benefits of the proposal.
- 9.88. Policy Bicester 10 of the CLP 2031 Part 1 requires the conservation and enhancement of the setting of the Alchester Roman Town Scheduled Ancient Monument and the setting out of opportunities to better reveal its significance. The Policy also requires the staged programme of archaeological work in liaison with statutory consultees, given the archaeological potential close to the site.
- 9.89. Policy ESD15 of the CLP 2031 Part 1 sets out that new development proposals should conserve, sustain and enhance designated heritage assets and ensure that new development is sensitively sited and integrated in accordance with the advice contained in the NPPF and NPPG.

### *Assessment*

- 9.90. With regard to the setting of designated Heritage Assets, the Chesterton Conservation Area is some distance from the site and therefore this separation distance, as well as the extensive intervening tree belts, means that there would be very limited impact upon the setting of this heritage asset. Any limited impact would be outweighed by the public benefit of providing employment and residential development in a sustainable location.
- 9.91. In terms of the setting of Alchester Roman Town Scheduled Ancient Monument, it is noted that under the previous application (16/02586/OUT), Historic England concluded that the proposed development would have a negligible impact on its setting. However in respect of the current application, Historic England have raised the issue of cumulative impacts of the wider development at the Bicester 10 site (including Phase 2, which has recently been considered), including how the setting of the SAM is changed more widely, the changes between this and the earlier application, and the lack of specific assessment within the archaeological survey work with regard to the setting of the SAM.
- 9.92. The Bicester 10 allocation has been submitted in distinct phases and previous applications have all considered the impact of that development upon the SAM. This includes the proposals on Phase 2, which are more closely related to the site of the SAM and which were concluded by Officers to be acceptable in terms of setting.
- 9.93. Turning to the current application site, the heritage desk-based assessment from July 2016 considered the impact of development on the Bicester 10 site on the

setting of the SAM. The document explains how the SAM is currently experienced (i.e. in a predominantly agricultural surrounding albeit with changes having occurred through the introduction of transport infrastructure) and that there would be no direct affect to the SAM. Setting results predominantly from its association with archaeological remains in the immediate and wider landscape and so the treatment of this will be important in the assessment of setting. In terms of physical relationship, it is necessary in the view of Officers to consider this proposal against the baseline of the previously approved scheme particularly given the proposal is for outline permission only, which, as referred to above, is comparable in terms of the parameters for built development and scale despite the land use change. In terms of cumulative impact, the difference would therefore be minimal between that now proposed compared to the committed and extant scheme.

- 9.94. Archaeological records, including the submitted archaeological assessments, find that the area is of considerable archaeological interest with features dating to the Roman period identified. The application is accompanied by archaeological information, which was also provided to support the original 2016 outline application for the site.
- 9.95. Historic England also raise concerns with regard to archaeology as did initially the OCC Archaeologist. The initial objection from OCC was in relation to two main points – firstly, the previously agreed scheme included a method statement related to that scheme to show how the area of dense Roman settlement on site would be preserved in situ (with no buildings, no ground penetrating foundations and no tree planting) and the current application removed this area of preservation and secondly, the inclusion of an additional area of land that was not previously investigated and which was concluded to be likely to contain further archaeological deposits. It was recommended that additional archaeological field evaluation be carried out prior to the determination of the application. Following the receipt of additional information including an Archaeological Mitigation Strategy, OCC have now removed their objection.
- 9.96. With respect to the two specific objections, the second objection described above (the inclusion of additional land not previously assessed), has been overcome by the receipt of confirmation that no development is proposed on that land other than the tidying up of the land and the vegetation and the repair of the footpath/ road to provide a new foot/ cycle path which would not be of a depth that could disturb buried archaeological remains.
- 9.97. With regard to the first objection and the area of archaeological interest on site, previously proposed to be retained in situ, the plans indicatively show the potential for the southern most building to extend eastwards into this area, as well as the area previously shown as car parking, now an area for landscaping including tree planting. It is relevant that this is indicative only given the application is made in outline with all matters other than access, reserved for later consideration.
- 9.98. The proposed approach as set out in the Archaeological Mitigation Strategy is for further investigation to be undertaken in a single discrete location in the central/ southern area of the site (the area shown where the southernmost building could extend to) to establish the likely potential for archaeological remains to survive in this area and for this to then dictate the nature of any further mitigation (i.e. whether the area should be preserved in situ or whether an alternative would be more appropriate). This should be undertaken prior to the submission of a reserved matters application to ensure that this informs the layout and the potential construction methodology needing to be adopted. The already known area of the site which contains significant buried archaeological remains would remain to be preserved in situ as per the agreed mitigation via the previous outline scheme as

described in the report submitted pursuant to that application. It is proposed that the Construction Environment Management Plan would describe how these remains would be protected during construction. Lastly, a written scheme of investigation will be required for further investigation, with the requirement for reporting to be provided to disseminate the findings.

9.99. The drainage proposals identify some features within the archaeological preservation in situ area. This has been raised within the OCC Archaeologist who has confirmed that the detail of this would need to be assessed in order to ensure no significant impact on the significant archaeological deposits on this part of the site. As a series of conditions are recommended in relation to both archaeology and drainage, it is considered that this matter can be dealt with later to ensure an acceptable arrangement taking into account both constraints.

9.100. On the basis of this approach, the OCC Archaeologist has removed the objection subject to the imposition of conditions.

#### *Conclusion*

9.101. On the basis of the above assessment, it is considered that sufficient safeguards are in place to ensure that archaeological interests on the site itself can be sufficiently safeguarded. This is by further investigation work following post decision and for a mitigation strategy to enable those important areas of archaeology to remain in situ. On this basis, it is considered that the development would not cause harm to archaeological remains as preservation would be ensured.

9.102. With regard to setting, Officers consider that on the basis that the scheme is comparable to that previously considered (in terms of built form) and that archaeology would be preserved, that there would be very limited, if any harm and that the proposal is therefore acceptable. Officers would agree that any minor harm would be outweighed by the significant economic public benefits associated with the proposed development.

9.103. On this basis, the application is considered to be in accordance with policies Bicester 10 and ESD15 of the CLP 2031 Part 1 and the NPPF.

#### Residential amenity

##### *Policy Context*

9.104. Policy ESD15 of the CLP 2031 Part 1 refers to the need for the amenity of both existing and future development to be considered including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. The National Planning Policy Framework also refers to the creation of places with a high standard of amenity for existing and future users that are safe, inclusive, accessible and which promote health and wellbeing.

##### *Assessment*

9.105. The proposed residential development is some distance from any other residential property, with the exception of Lakeside House and Lakeside Bungalow to the east of the site (albeit these are proposed for demolition as part of outline application 19/01746/OUT) and Bicester Trailer Park to the south. Lakeside House and Lakeside Bungalow are around 40m from the eastern edge of the site and given that the residential development would be focussed to the western side of the site (due to the archaeological preservation area), there is a sufficient distance and retained vegetation, such that the residential amenity of those properties would not be

harmful. Similarly, when considering the relationship with Bicester Trailer Park, there is sufficient distance and, there are land level changes (due to the presence of the bridge leading to Chesterton) as well as vegetation, such that amenity would not be harmed.

9.106. The development itself will require care to be taken in its design to ensure that the amenity of residential units on site can be accommodated without causing harmful amenity impacts. This would be a matter for reserved matters and is likely to need careful consideration of detailed matters such as window positioning and detailing given the proximity of the buildings to each other as indicatively shown. Officers are content that a future design can be achieved to protect residential amenity as, whilst it is not common in the Cherwell District for large flatted developments to be proposed, it is achievable in other settings, particularly city centre schemes. In addition, whilst a greater height is proposed to the north of the site, there is a sufficient distance between this and the southern part of the site where the majority of the residential uses are proposed for this not to be harmful. With regard to the relationship with Phase 2, the parameter plans for that application allow for a 30m set back which could allow for landscaping and buffer planting. This would allow for a satisfactory relationship to be created with adjoining development.

9.107. The application proposes some areas of open space on site created by allowing for parking under the residential buildings and within a multi storey car park as well as MUGA and a play area for children. The application also shows that a running route could be created and it also provides indicative landscape ideas including the creation of enclosed courtyard gardens, tree lined routes and the potential for a 'piazza' style arrangement outside of the café space. Whilst the detailed landscape elements are indicative, it does indicate that the proposal would include a landscape setting that could assist in creating an attractive, high quality, healthy environment for the residential properties.

9.108. Issues of impact upon residential amenity by way of environmental nuisance matters are addressed later in this appraisal. Nevertheless, with regard to compatibility with adjoining land uses, B1 uses are proposed on the adjoining sites to the east of Wendlebury Road (Phase 2) and B1a uses are proposed on the site itself, which are uses usually compatible within a residential area. In any event, the proposed conditions as discussed later are considered sufficient to ensure limited impact upon residential amenity.

### *Conclusion*

9.109. Based upon the above assessment, it is considered that a satisfactory arrangement can be achieved at reserved matters stage to ensure the amenity of existing and proposed residential occupiers is protected. This includes ensuring that they are not impacted by environmental nuisance matters; are compatible with surrounding land uses; can achieve acceptable levels of privacy, outlook and light; and that future residential occupiers are provided with outdoor space to enable a healthy development to be provided. On this basis, the proposal is considered to comply with Policy ESD15 of the CLP 2031 Part 1 and Government guidance in the NPPF.

### Ecology Impact

#### *Legislative context*

9.110. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC,

on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

9.111. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

#### *Policy Context*

9.112. 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.

9.113. 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.

9.114. 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.

9.115. Policy ESD10 of the CLP 2031 Part 1 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.

9.116. Policy Bicester 10 of the CLP 2031 Part 1 requires that applications be supported by an ecological survey and that there is adequate investigation of, protection of and management of priority and protected habitats and species on site given the ecological value of the site. The policy requires that biodiversity be preserved and enhanced.

#### *Assessment*

9.117. The application has been submitted with an ecology briefing note, which has appended to it, surveys undertaken in 2016 and 2017 (an Ecological Assessment and then surveys relating specifically to Reptiles and Bats). The briefing note has reviewed the position with regard to the potential for priority habitats and species on site to consider likely direct impacts and has made suggestions for ecological

enhancements on site. During the processing of the application, a calculation has been submitted related to the requirements around net biodiversity gain.

9.118. In terms of direct impacts on habitats/ species, the habitat walkover of the site found that the habitats within the application site remain broadly comparable with those found through the earlier surveys with some minor changes leading to a modest degradation of the ecology. In terms of habitats, these remained broadly in line with those originally found, with the land predominantly semi-improved grassland surrounded by hedgerows, trees and ditches with areas of scrub mainly to the south of the site. The opportunities for faunal species remain as potential foraging and commuting habitat of low importance to common bats and suitable nesting and foraging opportunities of low importance for birds. On the basis that the site is relatively small, its isolation as a result of the existing road network and the limited range of habitats present, the application site is not expected to be of any significant value for any other protected or notable faunal species.

9.119. Development at the site would need to be undertaken in a sensitive way to ensure that any protected species that might be encountered are protected and in addition, long term measures are likely to be required to ensure that species are not harmed. In this respect conditions are suggested to require a Construction Management Plan for Biodiversity, to ensure any vegetation clearance is undertaken outside of the bird nesting season unless thorough checks have been first undertaken and to secure details of an appropriate lighting strategy.

9.120. The application also identifies enhancement measures on site including an appropriate landscaping strategy and its long-term management and maintenance (the landscape scheme itself would be a matter to be considered through reserved matters) including the opportunity to increase the quantum of semi-natural habitat on site due to proposals for car parking meaning that additional areas can be provided as open space, the provision of bird, bat and bee boxes on site and the retention and protection of vegetation on the site.

9.121. In respect to a biodiversity net gain, the original wider Phase 1 proposal could not deliver a biodiversity net gain on the site and to mitigate for this, a financial contribution was secured through the associated legal agreement for the applicant to make a contribution to enable a Biodiversity Offset Scheme to be produced, and then to contribute to the delivery of the Biodiversity Offset Scheme. The receipt of this contribution has been triggered by the commencement of the hotel development on Phase 1a. The contribution is to be used to provide an offset scheme at Bicester Wetland Reserve, to the east of the current application site which is run by Banbury Ornithological Society. The cost of the scheme slightly exceeded the contribution originally secured and the applicant has offered to pay a further contribution to make up the shortfall which will enable the offset scheme to be fully funded.

9.122. The net gain calculation submitted for this application shows that net biodiversity gain continues not to be achievable on Phase 1b and therefore it is considered that the further contribution, alongside that originally secured (which was costed to cover the impacts of the schemes previously proposed on Phases 1a and 1b) is reasonable to offset the impacts of the development on biodiversity grounds and will ensure that a net gain can be achieved on a local site. The contribution is therefore considered to meet the legislative tests at Regulation 122 of the CIL Regulations.

9.123. The Council's Ecologist has confirmed following the receipt of the biodiversity calculation that she has no objections to the proposals on ecological grounds. This is on the basis that the offsetting scheme has been previously agreed and that this will ensure an overall net gain is likely to be achieved. The additional enhancements

on the site itself are acknowledged as being beneficial overall. Ecological conditions are also recommended as have been discussed above.

### *Conclusion*

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

### Flood Risk and Drainage

#### *Policy Context*

- 9.125. The NPPF states at paragraph 163 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 165 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.126. Policy Bicester 10 of the CLP 2031 Part 1 acknowledges the flood risk constraints of the allocated site requiring a flood risk assessment (FRA) and requires that the sequential approach to development is followed. It also requires the full mitigation of flood risk and the use of SUDs, including infiltration and attenuation techniques where appropriate.
- 9.127. 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*

- 9.128. The site being located to the west of the Wendlebury Road is within Flood Zone 1 and therefore is less constrained than the eastern side of the allocated site. A Flood Risk and Drainage Assessment (which was amended through the application process) has been submitted with the application to assess the development's risk from flooding and the suitability of the site in terms of drainage.
- 9.129. The information submitted through the processing of the application has been considered by Oxfordshire County Council as the Lead Local Flood Authority who now raise no objections subject to the imposition of conditions. The information demonstrates that the site has some risk from surface water flooding but that the risk is low and that a suitable drainage scheme can be achieved. Soakaways and infiltration techniques cannot be achieved due to the underlying strata and high groundwater levels meaning that the drainage scheme is likely to be reliant upon controlled discharge to the surrounding ditches by the use of shallow SUDs such as permeable paving, swales and cellular crates with shallow, non-pumped connections to the adjacent watercourses. The report recommends that the finished floor level of the proposed buildings be set at 65.30mAOD (a maximum of 0.8m higher than the lowest existing ground level where buildings are proposed to be constructed) to provide mitigation from any remaining flood risk mainly from overland surface water flooding.

9.130. Foul water drainage is proposed to be discharged to the existing private pumping station to the north and a separate foul sewer network will need to be designed, with the site served by an additional foul water pumping package station. Thames Water have not raised an objection to the application on these grounds.

9.131. With respect to the existing water network, Thames Water have identified a potential inability of the existing network infrastructure to accommodate the needs of this development. They have not objected on this matter but recommend a planning condition to ensure that upgrades are in place to ensure that sufficient capacity is available to accommodate the additional demands.

#### *Conclusion*

9.132. On the basis that the information received to date demonstrates that a suitable drainage scheme for both foul and surface water drainage can be achieved to ensure the risk from flooding on and offsite is minimised, it is considered that planning conditions can be imposed to seek further detail of these schemes. A suitable water supply can also be achieved. This is also on the basis that Oxfordshire County Council raise no objections to the scheme subject to the imposition of conditions.

#### Environmental Matters

##### *Policy Context*

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

##### *Assessment*

9.134. The Environmental Protection Team have recommended a series of planning conditions be imposed. With regard to noise, a condition is recommended to seek a noise report to ensure that habitable rooms meet British Standards for noise levels to ensure a satisfactory internal living environment that is not impacted by noise. This condition is considered to be reasonable on the basis that residential occupiers are proposed which could be impacted by noise from the adjoining road network, and adjoining land uses, albeit this should be limited, given B1 development is proposed, which is normally compatible with residential uses.

9.135. The Council's standard contaminated land conditions are recommended to be imposed on any permission. The site constraints show that the land is potentially contaminated and, whilst the earlier outline permission did not require further assessment of land contamination, it is considered that as sensitive residential uses are now proposed on site, it is reasonable and necessary to require this constraint to be further assessed.

9.136. With regard to air quality, an Air Quality Impact Assessment was recommended to be sought due to the proximity of the development to the Bicester Queens Avenue/

Kings End AQMA and the likelihood of increased traffic flow from the development into the AQMA. The earlier outline permission for the site did not include such a condition and given that traffic flows are accepted to be less than those generated by the extant outline permission, it is not considered that this would be a reasonable condition. It is also recommended that a condition be imposed to secure EV charging infrastructure to enable the encouragement of the uptake of low emission transport. A condition relating to this matter is recommended to maximise opportunities for sustainable transport.

9.137. A condition is recommended to secure an odour impact assessment if the poultry farm to the east of the site is still in use. This would have the potential to cause nuisance if operational to residents living on the site. This is considered a reasonable condition to ensure satisfactory living conditions for occupiers who may live on the site.

9.138. A condition to seek a detailed lighting scheme has also been recommended and this is considered a suitable condition to ensure the scheme does not cause harm in environmental terms but also for reasons of ecology as previously explained.

#### *Conclusion*

9.139. Given the above assessment, it is considered that environmental risks can be adequately dealt with via the imposition of conditions. This will ensure compliance with Policies ENV1 and ENV12 and ensure that the amenities of the residential properties are not unduly affected by environmental pollution.

#### Energy Efficiency and Sustainability

##### *Policy Context*

9.140. Policy Bicester 10 of the CLP 2031 Part 1 expects development on the allocation to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.

9.141. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought to achieve a limit of 110 litres/ person/ per day.

##### *Assessment*

9.142. The application is accompanied by an Energy Statement which highlights the potential sustainable design measures for the reduction of CO2 emissions and energy demand for the proposed development that could be considered further at the detailed design stage. The appraisal considers passive design measures that could be taken, how system efficiency measures could be incorporated, how water conservation could be undertaken and what renewable energy technology and low carbon heating/ cooling sources could be incorporated. The assessment then identifies the measures that could be feasible on the site and which will be further

evaluated during the design development. This includes a range of passive design options, options to ensure systems are efficient, that low carbon/ heating cooling sources could be incorporated (although most of these are identified as having potential design/ site/ cost constraints), that a range of zero carbon energy technologies could be used, with PV and battery storage options likely to be most feasible as well as water consumption options being possible. The statement also identifies that options for transport such as cycle facilities and EV charging points should be considered further as well as consideration being given to construction materials and waste to ensure responsible sourcing of construction materials and high recycling rates.

### *Conclusion*

9.143. Subject to the imposition of a condition to ensure that the identified measures are taken forward for further consideration during detailed design and incorporated where feasible at reserved matters stage, Officers are satisfied that the proposed development will be able to be designed to achieve the requirements of Policies ESD1-5 of the CLP 2031 Part 1. A planning condition is also recommended to ensure BREEAM 'Very Good' Standard is achieved for non-residential development.

### Planning Obligations

9.144. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities can be mitigated. This includes the provision of affordable housing in accordance with Policy BSC3. 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

9.145. Having regard to the consultation responses received and the Council's SPD for Developer Contributions (2018), the following matters have been put to the applicant for inclusion in a S106 agreement:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent and 30% social rent.
- Contribution toward the improvement/ upgrade of Kingsmere Community Centre based upon a per unit contribution of £587.74 per 1 bed unit and £849.46 per 2 bed unit, all figures index linked from 2Q17.
- Contribution towards outdoor sport - the expansion/ upgrade of the Whitelands Farm Sports Ground and/ or improvements to the community use sports facilities at Alchester Academy based upon a per unit contribution of £922.81 per 1 bed unit and £1,333.75 per 2 bed unit, all figures index linked from 2Q17. These figures are discounted to account for the proposed MUGA on site.

- Contribution towards indoor sport – the expansion/ enhancement of indoor sport facilities at Bicester Leisure Centre based upon a per unit contribution of £429.21 per 1 bed unit and £620.34 per 2 bed unit, all figures index linked from 2Q17.
- Contribution towards a Community Development Worker of £32,970.60 to fund 0.4FTE for two years and a contribution of £2,500 towards a fund to carry out community development activities.
- The provision of a combined LEAP/LAP on site.
- Commuted sums for the management and maintenance of open spaces, mature trees/ hedgerows, SUDs features within open space, play facilities and the MUGA if these areas were to be transferred to the District Council or secure arrangements for a Management Company to carry out the long term management and maintenance in the event a transfer to the District Council does not take place.
- Contribution towards local primary health care – to contribute to existing expansion plans for additional primary care infrastructure at Bicester based upon a per unit contribution of £505 per 1 bed unit and £720 per 2 bed unit, all figures index linked from 2Q17.
- Biodiversity contribution of £6000 towards the offsite biodiversity mitigation works planned at Bicester Wetland Reserve.
- Contribution of £106 per dwelling towards the provision of waste and recycling bins and £5.00 per dwelling towards recycling banks to serve the residential dwellings.
- Contribution of £24,195.90 towards highway safety improvement measures on the A41, index linked from a date TBC.
- Contribution of £214,668 towards Strategic highways – the South East Perimeter Road, index linked from a date TBC.
- Contribution of £3,120 (index linked from January 2020) towards the cost of administering a Traffic Regulation Order to enable the relocation of the existing 40mph/ national speed limit signage to a point south of the development's southern access for road safety reasons.
- Contribution of £4,691.28 (index linked from December 2019) towards the monitoring of the Travel Plans.
- The requirement to agree to enter into a S278 agreement with the Local Highway Authority to deliver safe and suitable access to the development as approved by this application as well as the offsite measures identified:
  - Two bellmouth accesses off of Wendlebury Road with associated pedestrian and cycle facilities to link into existing infrastructure
  - A 3m shared use footway/ cycleway linking Vendee Drive link road and the Chesterton slip road to the site along the A41 including works to enable a crossing at the western end of Charles Shouler Way.
  - Relocation of the speed limit signage on Wendlebury Road.

- Arrangements for a northbound pedestrian/ cycle link along the Wendlebury Road west side north including a crossing to the eastern end of Charles Shouler Way IF Phase 1b were to progress in advance of development on Phase 2.
- Contribution of £557,233 (index linked from 3Q19) towards primary and nursery education – towards the new primary school at South West Bicester (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).
- Contribution of £423,943 (index linked from 3Q19) towards secondary education – towards the cost of new secondary schools in the locality (with a matrix arrangement to be introduced to account for changes in the size of units that may result at the reserved matters stage should that final mix result in a change in pupil generation).

9.146. The applicant has raised concerns regarding the compliance of a number of the requested contributions against the CIL Regulation Tests. The applicant has also provided information to demonstrate how various alternatives could be provided that meet the spirit of the contributions requested but in an alternative way (either by way of a physical provision instead of an offsite contribution or by a reduced contribution where they argue this is justified due to the circumstances of the proposal). This information has not been considered or discussed in detail or taken into account the position of consultees to date due to the timing of its provision alongside the finalisation of this report.

9.147. As such, Officers are not able to provide Members at this stage with an agreed finalised list of Heads of Terms. The applicant has however indicated their willingness to enter into discussions with Officers and internal and external consultees in relation to this matter post committee, if Members are agreeable to the principle of the development. On this basis, if Members resolve to approve the proposal as recommended, Officers intend that the application be brought back for further consideration by Planning Committee once agreement on the Heads of Terms has been reached. Officers consider that a period of no more than 3 months would be sufficient to enable a set of heads of terms to be agreed, with the application returned to Planning Committee by the 8<sup>th</sup> October 2020 Committee at the latest.

9.148. With respect to affordable housing, the applicant is committed to providing 30% affordable housing and has undertaken initial discussions with Registered Providers who have raised some queries regarding their likely interest in taking on units at the site. This relates to the nature of the development being apartments and concerns regarding the servicing and management costs and the achievement of a balance between re-shaping economic development in Bicester and meeting the affordable housing requirements on site. In this context, the applicant's proposal is for all of the affordable housing provision to be discount market sale units (intermediate).

9.149. Notwithstanding these queries, Officers consider that a Policy compliant mix 30% affordable housing (of the total 273 units) made up of 70% affordable rent (which is considered most appropriate here as the rent levels include service charges, which is not the case for social rented units) and 30% intermediate, which could represent discount market sales units providing their cost and long term retention as discounted units remains into the future as per the definition within the NPPF, be the baseline for negotiation. Any variation to this would be presented to Members when the application returns to committee for consideration.

9.150. In addition, the District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within the S106 agreement, the final amounts to be negotiated. The District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the S106 agreement. All contributions will be index linked from an appropriate baseline to protect the value of the contribution.

9.151. In addition to the above, the Council's Developer Contributions SPD seeks to secure construction apprenticeships, skills and training. It has been agreed with the applicant that this can be secured through condition attached to the planning consent. Similarly, the provision of public art within the site will also be secured by condition. Members will note that a final list of conditions has not been drafted (although a list setting out the headline matters is provided), however on the basis that the application will be brought back for consideration, a full list of conditions (also agreed with the applicant, which is a requirement for any pre-commencement conditions) will be made available then.

## **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.

10.2. The application site is partially allocated by Policy Bicester 10 and partially unallocated. The site benefits from an extant planning permission for B1 employment uses, up to 14,972 sqm GEA (Gross External Area) on land falling both inside and outside of the Policy Bicester 10 allocation area. The current application proposes an alternative development for the land, seeking permission for a mixed-use development including up to 273 residential units and up to 4,413sqm GIA (Gross Internal Area) of B1a floorspace and other associated development.

10.3. The proposal represents a departure from the Development Plan in respect of the principle of the development in two main ways. Firstly, the development of unallocated land for residential uses and secondly, alternative land uses proposed on an allocated site not in accordance with uses for which the site is allocated. The proposed alternative development would also result in the loss of employment floor space that has previously been approved.

10.4. However, the application seeks to propose an 'innovation community' which is intended to be a catalyst to attract 'inward innovators' (people) to Bicester who would work in the High-Tech Knowledge industries thereby increasing the profile of the town for such uses as well as providing some B1 commercial floorspace on the site itself. The vision presented is to achieve a high-quality modern development that would provide an attractive environment for co-living, co-working space. Linked to this are flexible and complimentary spaces such as a hub providing for co-work type space and a café. If achieved, this would contribute to the ambitions set out in the Local Plan which seek to develop a sustainable economy in Bicester.

10.5. As has been explained, whilst not without merit Officers consider the weight that can be given to the 'innovation community' concept is limited, particularly as there is no basis on which to control the development in this way and so secure the wider social and economic benefits. In this regard, Officers have considered the residential use on its own merits. Whilst there is loss of employment floor space across the whole of the application site benefiting from the extant permission, there would be limited overall loss of employment floorspace from the allocated land for employment at Bicester within the CLP 2031 Part 1. This is because the majority of employment

floorspace that would be lost through this proposal is outside of the land allocated by Bicester 10 (although not all of it).

- 10.6. With respect to the proposed residential development, Officers consider that the location is sustainable for the proposals being considered. This is on the basis that it will be well connected and physically related to development on the allocation, and is within walking and cycling distance of a number of services and facilities and the surrounding employment uses are proposed to fall within Use Class B1, which are uses normally compatible within a residential area in terms of nuisance issues. In addition, conditions will be imposed to deal with environmental protection matters. The provision of additional housing as an extension of an allocated site at Bicester which, alongside Banbury, is the focus of the Council's housing strategy because of their sustainability is considered acceptable. This would also make a valuable contribution to the Council's Housing Land Supply position and provide for affordable housing. For these reasons and noting the guidance in the NPPF on the need for planning policies and decisions to be flexible to respond to changes in business and employment needs and demand for land, Officers consider the proposal to be acceptable and to outweigh the Policy conflict caused by a departure to the Development Plan in principle.
- 10.7. The proposal provides for suitable means of access and contributes to improving access by sustainable modes (with the final details still being discussed), such that the application can allow for a high degree of connectivity enabling residents and employees to safely access the wider town.
- 10.8. The report considers all other material considerations and finds that the proposal can be suitably accommodated subject to the satisfaction of planning conditions to ensure that site constraints are suitably considered (such as archaeology). This will enable the relevant Policies listed at paragraph 8.2 to be complied with.
- 10.9. The applicant has also indicated their willingness to enter into a S106 legal agreement to secure mitigation required to offset the impacts of the development, however these matters are still under discussion and an agreed set of heads of terms is not yet available.
- 10.10. For the above reasons and as set out in the full appraisal, Officers consider that the planning balance lies in favour of approving the application. It is therefore recommended that Members resolve to support the principle of development subject to the application being brought back to Members within a reasonable timeframe to consider the S106 package, which Officers intend to negotiate against the baseline of the matters set out in this report. The application would also need to be subject to conditions, which would be finalised and included within a future planning committee report.

## **11. RECOMMENDATION**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND THE COMPLETION OF A S106 LEGAL AGREEMENT, THE PRECISE FORM AND WORDING OF THE CONDITIONS AND HEADS OF TERMS OF THE LEGAL AGREEMENT TO BE AGREED BY PLANNING COMMITTEE NO LATER THAN END OF OCTOBER 2020 AND PRIOR TO THE LEGAL AGREEMENT BEING COMPLETED AND THE PLANNING PERMISSION ISSUED.**

Planning conditions to be drafted to cover the following headline matters:

1. Restriction to the development/uses applied for
2. Requirement to submit a reserved matters application

3. Timescale for submission of reserved matters
4. Plans for approval
5. Vegetation clearance undertaken outside the bird nesting season
6. Retention of vegetation except to allow for means of access
7. Agreement of finished floor levels (with levels no less than as set out in the FRA)
8. Requirement to provide details of ecological enhancement measures
9. Requirement for protected species checks (site walkovers)
10. Requirement to provide details of sustainable design measures including the provision of on-site renewable energy technologies.
11. The achievement of BREEAM very good standard
12. Restriction of permitted development rights to ensure all required service infrastructure be provided underground unless otherwise granted through a reserved matters application
13. Requirement for the provision of a phasing plan
14. Requirement to provide a Construction Method Statement
15. Requirement to provide a Construction Environmental Management Plan (CEMP) for Biodiversity
16. Requirement to provide an Arboricultural Method Statement including tree protection measures
17. Requirement to provide a Training and Employment Management Plan
18. Requirement to provide a surface water drainage scheme including long term management and maintenance arrangements
19. Requirement to provide a foul drainage scheme
20. Requirement to provide full details of accesses, footways, cycleways
21. Conditions as necessary relating to the public rights of way
22. Conditions relating to archaeology to require further work pre-reserved matters and then to require a watching brief and details of development within the area to be preserved in situ.
23. A series of conditions relating to contaminated land.
24. Requirement for an odour assessment
25. Requirement for details of any required piling
26. Requirement for a noise survey to ensure that residential dwellings can be appropriately mitigated to ensure they are not unduly impacted by noise
27. Requirement to agree details of tree works on land to the south of the site
28. Requirement for phased travel plans
29. Requirement for a Landscape and Ecology Management Plan
30. Requirement for the provision of electric vehicle charging infrastructure
31. Occupation restriction until all required water upgrades are completed or a phasing plan has been agreed to ensure all development is provided with sufficient water infrastructure
32. Requirement for a car park management plan
33. Requirement for details of external lighting to be approved
34. Requirement for a scheme of public art to be first agreed.

IT IS FURTHER RECOMMENDED THAT IN THE EVENT AN EXTENSION OF TIME IS NOT AGREED TO ENABLE THE APPLICATION TO BE REPORTED BACK TO PLANNING COMMITTEE, THAT THE APPLICATION IS REFUSED DUE TO THE LACK OF A SATISFACTORY S106 AGREEMENT TO ENSURE THE IMPACTS OF THE DEVELOPMENT CAN BE MADE ACCEPTABLE, THE PRECISE WORDING OF THE REASON FOR REFUSAL TO BE DELEGATED TO THE ASSISTANT DIRECTOR PLANNING AND DEVELOPMENT.