

Bicester Gateway Business Park Wendlebury Rd Chesterton 20/0293/OUT

Case Officer: Caroline Ford

Applicant: Mr Cutler

Proposal: Outline application (Phase 1B) including access (all other matters reserved) for up to 4,413 sqm B1 office space (47,502 sqft) GIA, up to 273 residential units (Use Class C3) including ancillary gym, approximately 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: Councillor Corkin, Councillor Macnamara and Councillor Wood

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

Expiry Date: 30 October 2020

Committee Date: 8 October 2020

1. REASON FOR REVERSION TO PLANNING COMMITTEE

- 1.1. The application was considered by Planning Committee on the 16 July 2020 where Members resolved to approve the application subject to conditions and the completion of a S106 agreement. The precise form and wording of the conditions and Heads of Terms of the Legal Agreement were to be brought back for further consideration by Planning Committee no later than the end of October 2020. This report aims to update Members on discussions that have taken place since the 16 July 2020 Planning Committee. It sets out a set of S106 Heads of Terms that Officers conclude to be required to mitigate the impacts of the development and to meet the legislative tests set out in The Community Infrastructure Regulations 2010 (as amended) at Regulation 122. Members are asked to resolve to approve the S106 Heads of Terms package and the proposed planning conditions, enabling the agreement to proceed to be negotiated and, once completed to enable planning permission to be granted.
- 1.2. The Planning Committee report presented on the 16 July 2020 sets out the site description, proposed development, consultation responses and it contains the full assessment of the proposal against the relevant Development Plan policies. Since then, the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need has been adopted but this does not affect the current application and the list of relevant policies remains unchanged.
- 1.3. The only Consultee comment received since the July committee was from OCC (although Officers verbally updated at Committee). No other responses have been received over those reported in the July Committee report, other than in respect of negotiations on the S106 – any relevant comments will therefore be included within the appraisal section of this report.
- 1.4. OCC's updated response confirmed that in Transport Terms, No objection was raised as the pedestrian and cyclist accessibility issues had been addressed and that the development was therefore considered to be safe and suitable for access by all users. It also confirmed that the updated Framework Travel Plan was acceptable.

It also confirmed that the arrangements to accommodate a pedestrian crossing at Charles Shouler Way would cause only a modest effect on the operation of the roundabout which would not be significant in the context of the development. It also provided an updated Archaeological response confirming No Objections were raised subject to the imposition of conditions given the likely archaeological importance at the site.

- 1.5. This report will therefore focus on the proposed Heads of Terms only, presenting both the applicant's view on these and the set of Heads of Terms that Officers consider to be necessary to be secured through any agreement to be completed pursuant to this application.

2. APPRAISAL

2.1 The key issues for consideration in this report are:

- The Heads of Terms for the S106 agreement

2.2 The July 2020 Planning Committee report set out the following required Heads of Terms, which, in accordance with the Council's SPD for Developer Contributions (2018) had been put to the applicant:

- 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).

2.3 As was reported, the applicant raised concerns regarding the compliance of the requested contributions against the CIL Regulation Tests. Discussions have been ongoing since the July 2020 Planning Committee regarding how the contributions

meet the CIL Reg tests and whether they can be varied to suit the particular circumstances of the application.

- 2.4 This report will consider each contribution requested and set out where this matter is, including the applicant's view on it. A conclusion will be made at the end of this report as to the final Heads of Terms that Officers recommend be included within the S106 agreement for the site.

Preliminary matters

- 2.5 Firstly, Officers have treated this application on the same basis as any other residential scheme in terms of both the likely occupancy levels for each size of unit which is based upon the occupancy rates for each type of unit as set out in the Council's Developer Contributions SPD. For note, contributions for education are based upon OCC's standard approach and contributions towards health infrastructure are based upon the OCCG's approach, both of which are accepted by the Council as set out in the SPD and are consistently used across all developments in the District.
- 2.6 The applicant has queried the approach and considers that occupancy rates should reflect the difference between houses and flats and that using Census data would be more reflective. They consider their evidence is justified and that the Council's baseline is not.
- 2.7 Secondly, Officers have taken the approach not to give a relief in terms of S106 requests due to the 'innovative' nature of the development on the basis that the units are not proposed to be controlled for this purpose such that they will be available to the open market (with 30% affordable housing). In addition, whilst the applicant argues that studio flats should be exempt from contributions being chargeable, Officers have no evidence to suggest that there is any reason to accept this and consider that studio flats should be treated on the same basis as one bed apartments.
- 2.8 The applicant has also suggested a viability review mechanism, which would enable later review of the viability of a scheme and enable the terms of an agreement to be varied enabling flexibility. In this case, no viability case has been made and so a policy compliant S106 is recommended to be secured. The Planning Practice Guidance confirms that Review mechanisms are not a tool to protect a return to the developer, but to strengthen local authorities' ability to seek compliance with relevant policies over the lifetime of the project. Officers have explained that such a mechanism is not acceptable on the basis that this gives significant uncertainty over what mitigation would be secured by the development. The applicant's position as will be explained below, has been to prioritise certain heads of terms to ensure the affordable housing position is viable and deliverable, set against the background of a challenging business environment and to help the Council with its housing delivery position. If the applicant has a later viability issue, then they are able to apply for a Deed of Variation with appropriate evidence.

Heads of Terms

- 2.9 **Affordable Housing:** The agreed position on affordable housing is for the S106 drafting to secure a Policy compliant affordable housing mix of 30% affordable housing on site with the mix being 70% for affordable rent and 30% as other forms of intermediate affordable homes. Reference to the appropriate percentages would be made to reflect the outline nature of the proposal.
- 2.10 In this case, social rent is not to be pursued. The nature of a development comprising apartments would incur service charges within communal areas and facilities such as lifts. Affordable rent levels include service charges however social rent levels do not. On this basis, affordable rent is the most appropriate tenure for this proposed development. The intermediate tenure units could be shared ownership, or another form of intermediate tenure such as discount market sales units providing their cost and long-term retention as discounted units remains into the future in accordance with the NPPF definition.
- 2.11 The applicant has raised some concern with affordable housing provision of the mix required on a development of this nature, also taking into account comments made by RPs. Some of the concerns expressed by RPs appear to be of a practical nature and could be overcome by way of design, which would evolve post outline planning permission being granted. On this basis, the applicant has agreed to the securing of a Policy compliant mix of affordable housing and this will be the basis moving forward, which Officers are content is acceptable.
- 2.12 **Community Halls:** The applicant queried the CIL Reg compliance of the requested contribution towards improvements to Kingsmere Community Centre on the basis that the application site sits within Chesterton Parish. They separately engaged with Chesterton Parish Council and offered a contribution towards community facilities linked to their new community centre.
- 2.13 The requested contribution towards Kingsmere Community Centre was sought given the relationship between the site and Bicester and the fact that new residents are more likely to be reliant on the services and facilities of the town to meet their everyday needs rather than those in Chesterton. However, upon further review, it was clear that there are currently no identified improvement projects at the Kingsmere Community Centre that would directly support the development.
- 2.14 With regard to the Chesterton Community Centre, the Council's Community Development Team are unaware of their plans and for the reasons above (that the residents of the site are unlikely to use community centre facilities at Chesterton instead of those at Bicester), Officers do not consider that a contribution of this nature would meet the legislative tests for a planning obligation.
- 2.15 On this basis, Officers advise that a contribution towards Community Halls would not meet the legislative tests and should not be pursued.
- 2.16 **Outdoor Sport:** Contributions have been requested towards the expansion/upgrade of the Whitelands Farm Sports Ground and/ or improvements to the community use sports facilities at Alchester Academy. The project identified is

towards increased tennis court provision at Whitelands Farm Sports ground. The Council's Sports Facilities Strategy dated August 2018 demonstrates the need for outdoor tennis facilities in Bicester. The applicant's view is that the proposed development provides substantial open space and that on site a MUGA is proposed as well as additional provision being offered including a running track and outdoor gym equipment. Their view is that this should offset the requirement for any contribution towards outdoor sport provision offsite.

- 2.17 Officers have noted the proposed onsite provision and indeed the contribution requested has been reduced slightly to account for the area of land the MUGA would provide (compared with the area of land that would result from the demand from residents on the site in accordance with the requirements set out at Policy BSC11, albeit the applicant's view is that the cost of the MUGA should be deducted, rather than a percentage based upon the area of land). However, Officers are clear that there is likely to be demand from the resulting population for access to formal outdoor sport facilities such as football, rugby and cricket pitches as well as tennis courts. It is these facilities that residents will need to access offsite and for which contributions towards local facilities is sought.
- 2.18 In light of this, Officers recommend that contributions are sought in line with those originally set out (and as summarised in the finalised heads of terms below). This would be on the basis of a MUGA being provided such that there is some provision on site.
- 2.19 The applicant has suggested that given the above, they may re-consider the provision of a MUGA on site. They therefore suggest that they should not be required (by condition or S106) to provide the MUGA but that the percentage reduction offered to reflect its provision should remain. Officers are content to recommend that a MUGA is not required on the basis that whilst the site exceeds the requirement for a NEAP/MUGA, given the site size, the amount of development and its proximity to Kingsmere, other facilities would be accessible. However, if a MUGA is not provided on site, then the reduction on the contribution should not be included. This is on the basis that the applicant may choose not to provide a MUGA at all if they are not required to or, if they were to provide a simpler, unequipped MUGA, then this would have no outdoor sports value at all. On this basis, Officers consider that an alternative could be included in the S106 if the applicant chooses not to provide a MUGA. It is understood that the applicant broadly agrees the principle of this contribution.
- 2.20 **Indoor Sport:** Contributions have been sought towards the expansion/enhancement of indoor sport facilities at Bicester Leisure Centre. The Council's Sports Facilities Strategy dated August 2018 demonstrates the need for swimming pool and sports hall space in Bicester.
- 2.21 The applicant has queried a contribution towards indoor sport provision and considers that a reasonable alternative would be to secure an arrangement to enable provision to the recently approved David Lloyd Health Club located very close to the site. Following discussion, they have also pointed out that their proposal includes an ancillary gym as part of the scheme and that their onsite provision therefore should also offset the requirement for an offsite contribution towards indoor sport.
- 2.22 Officers do not consider that an arrangement with a private gym would be a suitable arrangement. Bicester Leisure Centre is a publicly accessible space that would provide a long-term arrangement for access to indoor sports facilities that would serve the needs of the residents of this development. Contributions towards

enhancement of the facilities at the centre are therefore considered to be compliant with the legislative tests for a planning obligation.

- 2.23 Officers have however considered further the on-site gym provision and consider that this could be taken into account. The recommendation is therefore that if no ancillary gym is provided on site, that the contributions as previously sought continue to be required from the development. If an on site ancillary gym were proposed of no less than 27m² in area (which is the approximate level of sports hall space this development would require for the expected population based upon the guidance in the Council's Planning Obligations SPD), then a reduced contribution would be payable to reflect its provision, with the remaining contribution calculated based upon the element of the contribution identified for swimming pool provision. This would enable a contribution to continue to be secured towards offsite indoor sport provision at Bicester Leisure Centre, which is likely to be in demand from the residents but to reflect the on-site provision of an ancillary gym. There would also be a need for the ancillary provision on site to be retained for health and wellbeing purposes. Officers consider that this is a reasonable approach and that this would comply with the legislative tests for a Planning Obligation. It is understood that the applicant accepts this approach albeit they wish for the contribution to be able to be spent elsewhere rather than at Bicester Leisure Centre. The Council's intention would be for the contribution to be spent at the Leisure Centre.
- 2.24 **Community Development Worker:** The applicant's position is that they anticipate the work that a Community Development Worker would do being undertaken by the Hub and estate management company.
- 2.25 Officers have considered this response, alongside the CIL Regulations and noting the scale of the proposed development, recommend that this contribution should not be pursued.
- 2.26 **Provision of play areas on site:** It is recommended that the S106 will secure the provision of an on-site combined LEAP/LAP. It is understood that the applicant accepts the principle of this.
- 2.27 **Landscape Management and Maintenance:** It is recommended that the S106 will set out secure arrangements for the continued management and maintenance of open space and play areas. This would either be through its transfer and the provision of commuted sums to enable the Local Authority to carry this out or through secure arrangements for a Management Company including to ensure its financing to secure long term management and maintenance. Officers consider that in this case, a Management Company could be a suitable alternative given the character of the development site including its contained size away from other residential areas. It is understood that the applicant accepts the principle of this subject to a consideration of the legal drafting.
- 2.28 **Local Primary Health Care:** The applicant has submitted various correspondence in regard to the requested contribution towards local primary health care. They consider there is no evidence to support the requested contribution. They have queried the need for additional health care infrastructure (on the basis that there is spare capacity in the town, in particular at Bicester Health Centre, that changes to

appointment practices because of COVID-19 will reduce the requirement for built area and that already planned for facilities (for which the applicant argues they should not be treated on the same basis as other new developments) will cover the population growth of Bicester going forward – which in itself is distant from the site and so not directly related to the development). They have also queried the level of contribution, which they consider not to be proportionate to the development.

- 2.29 The CCG have been involved in reviewing the evidence submitted and have provided various correspondence in response. This includes evidencing the pressure the existing practices are under (in that existing healthcare infrastructure is at capacity and medical groups are already seeking new premises in the town to meet the needs of the growing population), the need for additional practice space (which is not limited to space for doctors, space is required for a range of healthcare professionals) and that despite the current pressures caused by COVID-19, different appointment practices does not negate the need to see patients in face to face settings.
- 2.30 The applicant does not agree with the evidence of the CCG. Their view is that whilst no contribution is justified, that given health and wellbeing is an important topic, they are willing to make a general contribution of £100,000 with the S106 including a broader range of beneficiaries to include initiatives proposed by Bicester Town Centre Task Group and OYAP.
- 2.31 Officers are satisfied with the responses from the CCG and do not support the applicant's offer. There is no justified reason to divert from the approach taken elsewhere and it is considered that contributions should be requested towards an evidenced need for additional health care infrastructure in Bicester to serve the growing population (of which this development adds to). Officers consider that the originally requested contributions meet the CIL Regulation tests and should be secured by this development. The applicant may be unwilling to sign a legal agreement on this basis.
- 2.32 **Biodiversity:** The contribution of £6000 towards the biodiversity offset scheme is required to offset the impacts of the development on biodiversity grounds to ensure that a net gain can be achieved on a local site. This contribution is agreed.
- 2.33 **Waste and Recycling:** Officers consider that it will be acceptable in this case for a planning condition to be imposed to secure the provision of waste receptacles prior to the first occupation of each residential unit rather than a financial contribution being made.
- 2.34 **Highway Safety Improvement Measures on the A41:** The applicant has agreed the contribution as requested. The necessary indexation base has been added below.
- 2.35 **Strategic Highway Contribution:** Following the Planning Committee, OCC Highway Officers reviewed the requested contribution and noted that the calculation undertaken for the extant permission for Phase 1 had been reduced to take account of other mitigating measures. The way the current contribution had been calculated also therefore included this reduction, however those mitigating measures have now been agreed as not required for the development and therefore no reduction should be allowed for. On this basis, the same formula that has been used to calculate contributions from other nearby sites has been used to ensure a fair and equitable contribution is sought. This gives a requested

contribution for this development of £289,578.66 index linked from October 2019. Following the applicant reviewing the calculation, this contribution is agreed.

- 2.36 **TRO contribution:** The applicant has agreed the contribution as requested.
- 2.37 **Travel Plan monitoring contribution:** The applicant has agreed the contribution as requested.
- 2.38 **S278 Works:** The applicant has agreed the inclusion of the required S278 works to be secured through the agreement to include requirements around timing and specification of the offsite highway works.
- 2.39 **Education:** The applicant has queried the contributions sought from OCC on a number of main grounds including: the number of pupils likely to be generated by the development (based upon a consideration of occupancy of flats v houses) and the costs per pupil place that OCC use (for which they argue should not be based upon the independent evidence OCC commissioned, but instead on national data). They also argue that OCC should not be seeking to build 600 place secondary schools as these are unviable and that costs should be sought on the basis of larger schools.
- 2.40 OCC have reviewed the evidence submitted and provided responses. On the main grounds, this sets out that evidence shows that additional capacity will be required for all age groups (including early education) and that the pupil numbers generated are based only upon 2 bed units, for which the numbers likely to be generated are not unreasonable. That the per pupil costs for building new schools are independently costed and reviewed and are not significantly different to national data once the scale of the school is considered (and that they are therefore robust and evidenced) and that OCC have very recently completed a 600 place secondary school in Bicester and their model going forward is on the same basis. OCC's basis for calculating contributions across the County will be based upon this model.
- 2.41 Nevertheless, OCC have reviewed the requested contributions and have agreed to consider them in a slightly different way which has resulted in a slightly lower pupil generation projection but retains the same per pupil cost. This has resulted in a lower contribution overall.
- 2.42 The applicant has considered the most recent response from OCC (which reduces the contribution requested) and have confirmed that they continue to hold the view that the costs per place have not been robustly evidenced. They also continue to suggest that lower yields should be applied to reflect the flatted nature of this scheme in comparison to a more usual housing scheme. Using costs from an appeal scheme in Bicester, alongside their lower pupil generation projections, they calculate their contribution should be £289,800.65 in total (compared to the OCC requested total contribution of £768,710). They consider that this is a fairly and reasonably related contribution, which is offered without prejudice and which is supported by evidence on pupil yield (reflecting the flatted nature of the development) and on costs per place from an appeal decision (which considered the OCC costs to be an over-estimate). They consider that an appeal Inspector would follow this view and could award costs against the LPA.
- 2.43 OCC have not considered the applicant's offer or their arguments at the time of writing this report. If a response is provided, then an update will be provided to committee, however Officers consider that the evidence provided by OCC is

reasonable and justified and demonstrates that contributions of the scale identified are necessary to mitigate the impacts of the development. The amended response offered by OCC is therefore set out in the final heads of terms and is recommended

to be secured albeit if there is a variation once OCC have considered the applicant's

most recent position, then this will be updated in the written updates. The applicant may be unwilling to sign a legal agreement on this basis.

- 2.44 **Monitoring fee:** CDC have sought a monitoring fee of £5000 and the applicant accepts this. OCC also seek a monitoring fee albeit the figure has not yet been provided. It is anticipated that the applicant is likely to accept a monitoring fee requested by OCC.

Final Heads of Terms

- 2.45 Taking into account the above comments, Officers recommend that the following Heads of Terms be secured through the S106 for this site:

- The provision of 30% Affordable Housing on site with the mix made up of 70% affordable rent and 30% intermediate tenures.
- Contribution towards outdoor sport – towards a project for increased tennis court provision at Whitelands Farm Sports Ground 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. If no MUGA is provided on site, then the figures per unit applicable would be: £1,036.87 per 1 bed unit and £1498.60 per 2 bed unit, all figures index linked from 2Q17.
- 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 if no ancillary gym is proposed on site. If an ancillary gym of no less than 27m² in area is provided, then contributions of £273.61 per 1 bed unit and £395.45 per 2 bed unit index linked from 2Q17 towards additional swimming pool capacity at Bicester Leisure Centre. The ancillary space to be retained for health and wellbeing purposes.
- 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 with secure arrangements for the financing of the management and maintenance including monitoring by CDC.
- 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 £504 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 £24,195.90 towards highway safety improvement measures on the A41, index linked from December 2019.
- Contribution of £289,578.66 towards improvements to the surrounding local and strategic road network – namely towards the western section of the South East Perimeter Route or to an alternative scheme or schemes which are expected to deliver similar or greater mitigation of the potential transport impacts of cumulative development at the site and elsewhere in Bicester index linked from October 2019
- 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 £442,600 (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 £326,110 (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).
- Contribution of £5000 to CDC to administer and monitor the development and a contribution to OCC for the same purpose, the amount for which is to be confirmed.

2.46 There are some matters that the applicant does not agree for the reasons set out. Members are asked to support the Officer recommendations for the reasons given.

Other Matters

2.47 At paragraph 9.32 of the July 2020 Committee report, reference is made to the need

for the commercial development to be delivered alongside the residential development. The applicant has explained that this would not be feasible on the basis that speculative office space is unlikely to be provided and the intention of the development is to create demand for the office space (by bringing those likely to work in the knowledge economy to the town). They have offered to construct the Hub alongside the residential development which provides for some B1 office space including flexible space for business uses. On balance, Officers accept that the provision of the Hub alongside the residential development is required in recognition of the Local Plan allocation for the Bicester 10 site being for commercial development of high tech knowledge economy based industries but that the delivery of the remaining B1 floorspace is not required to be linked to the delivery of the residential uses recognising that office buildings are unlikely to be built speculatively. The planning conditions will be drafted to reflect this.

3. PLANNING BALANCE AND CONCLUSION

3.1 This assessment aims to provide an overview of the required heads of terms to mitigate the impacts of the development. It sets out what Officers consider to be a justified, necessary set of heads of terms, the justification for which is considered to comply with the legislative tests set out at Regulation 122 of The Community Infrastructure Regulations 2010 (as amended). Members are asked to support the Officer recommendations for the reasons given and to resolve to grant permission for the development subject to the recommendation below

4. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (FULL WORDING FOR WHICH WILL FOLLOW IN THE WRITTEN UPDATES) (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE MITIGATION SET OUT AT PARAGRAPH 2.45.

FURTHER RECOMMENDATION: IF THE APPLICANT DOES NOT AGREE TO SIGN A S106 AGREEMENT TO CONTAIN THE MATTERS SET OUT AT PARAGRAPH 2.45 OR IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THE STATUTORY DETERMINATION DATE WHICH IS CURRENTLY 30 OCTOBER 2020 AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION BASED UPON THE LACK OF A COMPLETED S106 AGREEMENT REQUIRED TO SECURE THE NECESSARY INFRASTRUCTURE TO MITIGATE THE IMPACTS OF THE DEVELOPMENT (WITH REFERENCE TO POLICY THAT REQUIRES MITIGATION TO BE SECURED):

Planning conditions:

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.

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