

Supporting Planning Statement

Graven Hill, D1 Site, Bicester

June 2022

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1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of our client, Graven Hill Purchaser Ltd, in support of the proposed redevelopment of Graven Hill, D1 Site (which encompasses sites D1 & EL1), Bicester, OX26 6HF (hereafter referred to as 'the site'). The site lies within Cherwell District Council (CDC). See Appendix 1 for Site Photographs.
- 1.2 The D1 site, which is also known as '*the employment land*', lies to the south of Bicester on the southern side of Graven Hill. The site comprises five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being the sub-station). These existing buildings total approx. 41,831 sq. m. This figure excludes the buildings removed as part of the construction of the Employment Access Road (EAR), which is to be completed later this year (e.g., Units D05, D03 & D12).
- 1.3 The site was formerly used by the Ministry of Defence (MOD) for storage and distribution purposes. This function dates back to September 1942 when a depot was constructed to provide logistical support for operations in Europe during World War II.
- 1.4 The site is accessed via Pioneer Road from the east, which is a slip road that stems from the A41 Aylesbury Road. Furthermore, Junction 9 of the M40, which links London, Oxford and Birmingham, is located a short distance to the southwest. On this basis, it is clear that the site benefits from excellent road transport links. The southwestern boundary of the site lies adjacent the Bicester Military Railway.
- 1.5 The site benefits from Outline Planning Permission (ref: 11/01494/OUT), which was Granted on 8th August 2014, as well as subsequent amending consents, such as Permission ref: 19/00937/OUT. This sets out a Masterplan for the surplus MOD land at Graven Hill and C site in Upper Arncott.
- 1.6 The site forms part of the wider Graven Hill development site and is allocated to deliver mixed-use development comprising 1,900 homes; retail and community facilities, and employment floorspace comprising up to 2,160 sq. m of B1(a) use, 2,400 sq. m of B1(c) use, 20,520 sq. m of B2 use and up to 66,960 sq. m of B8 use (a total of approx. 92,040 sq. m of employment floorspace). The majority of this employment floorspace is provided at D1 Site.
- 1.7 Over the past 18 months the project team have assessed the feasibility of a number of potential commercial uses at the site. In this vein, the proposal seeks to provide a warehouse and logistics proposition (Use Class B8 '*Storage or Distribution*'). Recent structural changes in this market mean that there is significant demand for high quality logistics units in locations that have good road transport links.

- 1.8 As noted previously, Graven Hill benefits from excellent road transport links and continued demand for high quality logistics space is being driven by two key factors. These are:
- The 'lockdowns' in 2020 (due to Covid-19) accelerated the switch to online shopping;
 - The disruption to supply chains due to Covid-19; a lack of HGV drivers and Brexit stockpiling by firms has led to a switch from '*just in time delivery*' to '*just in case*' storage.
- 1.9 On this basis, we are confident that there is strong demand for a high-quality logistics park at the site. Such a use would provide significant investment to Bicester and employment opportunities for residents, resulting in both economic and physical regeneration benefits.
- 1.10 This Outline Planning Application seeks to fix '*Access*' only at this stage. Although an Indicative Masterplan has been used for assessment purposes for the supporting Environmental Statement, (ES) we are seeking to deal with the detailed matters of '*Scale*,' '*Layout*,' '*Appearance*,' and '*Landscape*,' of the Proposal at the '*Reserved Matters*' Stage.
- 1.11 It should also be noted that the Outline Planning Application is supported by a Parameter Plan which fixes the maximum scale; those parts of the site that could be developed (up to the maximum floor area threshold) and 'green corridors' for ecological purposes. This Parameter Plan has also informed the various ES technical assessments.
- 1.12 This application provides a maximum floor area of B8 '*Storage or Distribution*' use at the site, as well as a maximum height threshold. Both matters could be dealt with via appropriately worded planning conditions. However, '*Scale*' (or height) would also be controlled via the Parameter Plan.
- 1.13 We consider that the proposal would result in an efficient use of this large vacant brownfield site. It would also respond to the site allocation for '*Mixed Use (Housing and Employment)*' and 'Site Specific' '*Policy Bicester 2: Graven Hill*', within the Cherwell Local Plan 2011-2031. This approach will deliver much needed employment opportunities to create a balanced settlement, integrated with the existing community at Graven Hill and Bicester.
- 1.14 The format of this Supporting Planning Statement is set out as follows:
- Section 2 describes the site and its' context;
 - Section 3 summarises the relevant planning history;
 - Section 4 details key comparable schemes;
 - Section 5 describes the proposal;
 - Section 6 sets out the planning policy position;
 - Section 7 provides an assessment of the proposal; and
 - Section 8 contains our conclusion.

2.0 The Site

- 2.1 The site is located to the south of Graven Hill and totals approx.31.1 hectares (76 acres). The existing vacant warehouses at the site comprise B8 '*Storage or Distribution*' use. The site was previously used as part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA), logistics hub. The LCS operation has been rationalised and moved to 'C' Site at Upper Arncott, meaning that 'D' Site is surplus to requirements. We understand that the D1 site has been vacant since 2009 (approx.).
- 2.2 Graven Hill is bound to the northeast by the A41 Aylesbury Road; the Bicester Military railway to the southwest, railway tracks and sidings to the west. In addition, the southern and eastern boundaries of the site are formed by adjoining agricultural fields and a large solar farm.
- 2.3 The site lies immediately south of St David's Barracks, which is operational. Adjoining uses include the new residential uses to the north of Graven Hill; Wretchwick Farm to the east and a sewage treatment works to the northwest on the opposite side of the Chiltern railway line. Symmetry Park, a newly constructed logistics park, is located to the east of the site off the A41.
- 2.4 The D1 Site currently comprises five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being the sub-station). These existing buildings total approx. 41,831 sq. m. This figure excludes the buildings removed as part of the Employment Access Road which is to be completed later this year (e.g., Units D05, D03 & D12).



Figure 1.1: Aerial View of the Site looking north (Source: Google Earth)

- 2.5 Further afield, Junction 9 of the M40, which links London, Oxford and Birmingham, is located to the southwest. Oxford is located to the southwest and is only 14 miles away (approx.). Milton Keynes lies to the northeast and is 25 miles from Bicester (approx.) and Banbury is located to the north and is 18 miles from the site.

3.0 Planning History

3.1 We have undertaken an online planning history search of the site and can confirm that it has an extensive planning history.

3.2 The most relevant planning application is an Outline Planning Permission (ref: 11/01494/OUT) that was granted on 8th August 2014 for a development at the site referred to as *'Site C Ploughley Road & Site D & E Ambrosden Road MOD Bicester Upper Arncott Oxfordshire'*. The description of development is as follows:

'Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 1358sqm, 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) 1000sqm and parking areas; employment floorspace comprising B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas.'

3.3 A copy of the Decision Notice is provided at Appendix 2. It should be noted that the site falls within Sites D1 & EL1 *'Site D & E Ambrosden Road, MOD Bicester'* of the planning application. The redevelopment of Graven Hill primarily relates to a mixed-use scheme comprising employment and residential uses (as specified above). The residential element is located to the north of Graven Hill and the employment uses are located to the south of Graven Hill (D1 Site).

3.4 The approved Masterplan and Description of Development section within the accompanying Design and Access Statement (DAS) identified the site as *'South Graven Hill'*. The *'Land Use Budget Plan'* at p.125 and p.130 of the original DAS indicates that the site is designated for predominantly *'B8 storage use'* (approx. 74% of built floorspace); with *'mixed employment'*, comprising B1(c) and B2 use (approx. 22% of built floorspace) and a *'potential energy use'* (approx. 4% of built floorspace) as shown at figures 1.2 and 1.3.



Figure 1.2: Extract taken from the submission DAS showing the 'Land Use Budget Plan'



Figure 1.3: Designated B2 industrial area (left) and B8 warehouse area (right)

3.5 The Planning Committee Report (a copy of which is provided at Appendix 3) highlighted the positive economic impact that the introduction of new business floorspace at Site D would have on the local area. Paragraph 5.25 is relevant and states (in part):

'5.25 The proposal seeks to enhance economic growth in the area, by providing land for employment uses, potentially providing ~2,000 new jobs. Core planning principle 3 within the NPPF makes it clear that planning should proactively drive and support sustainable economic development to deliver homes, businesses and industrial units. Paragraph 19 states that 'significant weight' should be given to the need to support economic growth.'

- 3.6 Furthermore, the Planning Committee Report provides useful commentary regarding the scale of the commercial buildings located at the south-eastern part of Graven Hill (the site). Paragraphs 5.84 and 5.85 are most relevant and state:

‘5.84 In relation to the south eastern part of the site, containing the proposed B1, B2 and B8 development, the most pertinent viewpoint is 9, taken from the western edge of Ambrosden Village. The Landscape Officer noted that the top of the large existing buildings are currently visible and there will be some visibility of proposed industrial units as illustrated by the photomontages, which at this point is accurate.

5.85 Consequently, it was considered that additional screen planting should be provided, by way of a reinforced native planting buffer (at least 10 metres) on the southern edge of the site, to break up the solid box-like buildings. Furthermore, the buildings standing in front of the hill should be painted darker colours to make them less obtrusive. The applicants supplied an amended layout to reflect the additional planting buffer and agreed that the colouration of the buildings could be adequately dealt with by condition.’

- 3.7 These design and landscaping suggestions have been noted and considered as part of the Indicative Masterplan proposal at the site.
- 3.8 Given the scale of the scheme and the separate elements within the Outline Planning Permission, there has been several follow up applications that have both varied and discharged the conditions attached to the original consent (some of these applications were withdrawn).
- 3.9 Specifically, variation of conditions and amending applications, (via S.73 MMA & S.96 NMA) have been made to Planning Application ref: 11/01494/OUT and subsequent consents over the years. However, these generally focussed upon amendments to the residential area to the north of Graven Hill (e.g., ref: 15/02159/OUT; 16/01802/OUT & 19/00937/OUT). In the interest of brevity, these are not detailed in this Report and further information can be found on the Cherwell District Council website.
- 3.10 However, it is important to note that Planning Permission (ref: 20/02415/F) to provide a new dedicated Employment Access Road (EAR) adjacent the northern boundary of the site was permitted in April 2021. We understand that the EAR is expected to be completed later this year.
- 3.11 In summary, the Outline Planning Permission forms a material consideration for the current proposals. The decision establishes that the principle of an employment led redevelopment of the site is acceptable. It also establishes the principle of approx. 990,000 sq. ft (92,040 sq. m) of employment use at the site.
- 3.12 Furthermore, we have summarised the comparable development at ‘Symmetry Park’, which lies to the east of the site on the A41. This decision is detailed at Section 4 ‘Comparable Schemes’, within this report.

4.0 Comparable Schemes

Symmetry Park, Bicester

- 4.1 On 8th November 2016 a hybrid planning application (ref: 16/00861/HYBRID) at the site referred to as 'OS Parcel 0070 Adj And North Of A41 London Road Bicester', was granted planning permission, subject to conditions. A copy of the Decision Notice is provided at Appendix 4.

- 4.2 The description of development was as follows:

'Full planning permission for 18,394 SQM (198,000 SQ FT) of logistics floor space, within class B8 of the town and country planning use classes order 1987, with ancillary class B1 (A) offices, together with access from A41 Aylesbury Road, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant.

Outline planning permission for up to 44,314 SQM (477,000 SQ FT) of logistics floor space, within class B8 of the town and country planning use classes order 1987, with ancillary class B1 (A) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval.'

- 4.3 The approval site previously consisted of three agricultural fields, used as grazing land. The site also contained a steel-clad livestock barn which was accessed from a track directly to the A41.
- 4.4 It should also be noted that an outline planning application (ref: 15/02316/OUT) for the development of this site for B8 use was submitted in December 2015 by the same applicant. An appeal against non-determination of this application was lodged but later withdrawn before the hybrid planning application was submitted.
- 4.5 We consider that this decision is particularly relevant and represents a comparable precedent for the proposal at the D1 Site. The proposed Aerial Perspective View of the completed Symmetry Park Complex is shown at Figure 1.4.



Figure 1.4: Aerial View of Completed Scheme (taken from Tritax Symmetry website)

4.6 This permitted scheme represents a useful comparable due to the fact that both sites fall within a designated Site Allocation, located south of Bicester Town Centre. In addition, the approved and proposed schemes seek to deliver flexible commercial floorspace comprising primarily B8 storage and distribution (logistics) use and ancillary office accommodation.

4.7 The section titled '*Principle of Development*' within the Planning Committee Report (a copy of which is provided at Appendix 5) provides a useful summary of the permitted 'employment' scheme against the relevant policy framework. It notes (in part) at paragraph 5.32:

'The application which is for employment use is therefore considered to be consistent with the principle of Policy Bicester 12 which allocates this land for a mixed use development and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing'.

4.8 The approval also supported the delivery of buildings rising up 15.5m (approx.) to the ridge. We consider that the specific requirements and scales associated the approved B8 uses are relevant for the proposals at the D1 Site as they too require large level building platforms, and the ability to accommodate units of a sufficient height to meet occupier needs.

- 4.9 In summary, this planning decision is particularly relevant and represents a ‘*material consideration*’, given the fact that it shares many characteristics in terms of location and context and form of development.

Axis 9 (Junction 9)

- 4.10 On 23rd June 2016 planning permission (ref: 14/01675/OUT) was refused for a large-scale redevelopment at the site ‘*Adjoining And North East Of A4095 And Adjoining And South West Of Howes Lane Bicester*’. The site lies to the north-west of the site and Bicester. The description of development was as follows:

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

- 4.11 The Decision Notice is provided at Appendix 6 and two reasons for refusal were provided. The first reason stated that the proposed commercial floorspace did not comply with the Local Plan policy designation for north-west Bicester, which sought primarily B1 (office), with limited B2 and B8 uses. The second reason for refusal related to the Section 106 agreement.
- 4.12 Nevertheless, it should be noted that an appeal was lodged against this decision and was allowed (ref: APP/C3105/W/16/3163551) on 19th December 2017. The Inspector addressed the key reasons for refusal, beginning with the lack of provision of office floorspace, which conflicts with the Local Plan.
- 4.13 Paragraphs 19 and 20 of the Appeal Decision (a copy of which is provided at Appendix 7) considered the provision of B8 and B2 use was acceptable, stating (in part):

‘Furthermore, paragraph 6.13 of the Statement of Common Ground confirms the Council’s acceptance of the market evidence prepared by the appellant suggesting that the mix of uses envisaged would respond to current market conditions, thus increasing the prospect of early delivery of the jobs, in accordance with the policy requirement. I have no reason to disagree with these assessments and so conclude that, notwithstanding the conflict with Local Plan policy requirements for an emphasis on B1

uses, the proposal would produce an acceptable degree of employment generation in accordance with the numerical aims of the policy.'

- 4.14 In response, we note that the site at Graven Hill is allocated for a mix of employment uses, however, it does not emphasise a particular use class. In addition, we note that the current proposals at Graven Hill have been formulated in conjunction with current commercial agency advice, which highlights that the scheme responds to market demands and will achieve substantial employment generation through B8 logistics use at the site.
- 4.15 On this basis, we consider that the proposed use should also be supported as it will result in substantial job creation and opportunities for Bicester. A CGI image of the approved development at Axis 9 (Junction 9) is provided at Figure 1.5.



Figure 1.5: Axis 9 (Junction 9) (Source: Albion Land company website)

5.0 Description of Proposal

- 5.1 The proposal comprises development totalling a maximum of 104,008 sq. m (GIA) of B8 ‘*Storage or Distribution*’ floorspace at the site. This includes ancillary office use within the B8 units.
- 5.2 The indicative Masterplan demonstrates how this floorspace could be provided across 9 separate units (Units 1-9). However, it is important to note that the Masterplan is **indicative** or **illustrative only** at this stage and has been prepared to assist with the assessment of the Outline Application only. See Figure 1.6 which shows the Indicative Masterplan.

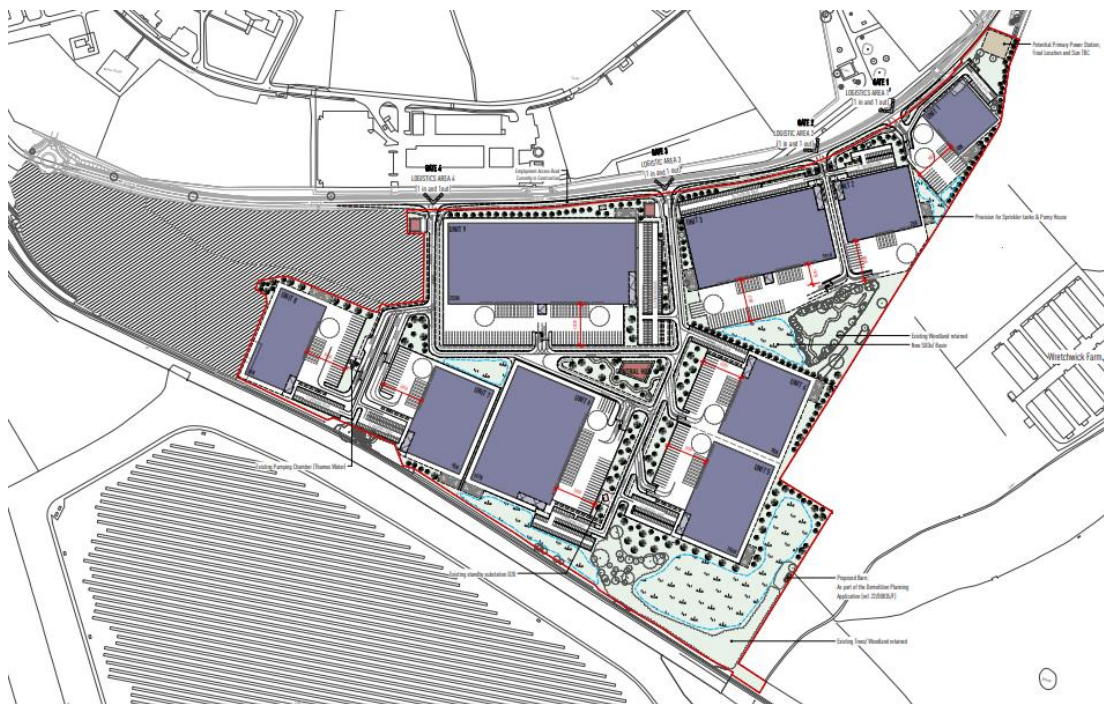


Figure 1.6: Indicative Masterplan Layout (for Assessment Purposes Only, not to be fixed)

- 5.3 Although the indicative Masterplan represents a realistic option of how the site could be developed, (having obtained detailed input from both agency and technical consultants within the project team), the applicant does not wish to fix the details of the scheme at this stage. It is envisaged that this approach will provide maximum flexibility and ensure that the scheme appeals to as many potential occupiers as possible.
- 5.4 At this stage, the Outline Planning Permission seeks to fix 'Access' only, leaving matters of 'Scale', 'Layout', 'Appearance', and 'Landscape', to the 'Reserved Matters' Stage. It is envisaged that this application would provide a maximum floor area of B8 'Storage or Distribution' use at the site, as well as a maximum height threshold. Both matters could be dealt with via appropriately worded planning conditions.

- 5.5 In addition, the Outline Planning Application is also supported by a Parameter Plan, which defines a maximum scale; where development can be located (up to the maximum floor area threshold) and 'green corridors' for ecological purposes. This Parameter Plan has also informed the various ES technical assessments.
- 5.6 Approximately 902 parking spaces would be provided, including HGV parking yards associated with the Logistics Units as well as disabled parking. These could be arranged in a variety of layouts to best respond to market demand as well as site constraints.
- 5.7 In terms of the logistics units themselves, a total of 9 Units are shown (indicative scheme only), ranging from 48,357 sq. ft (Unit 1) up to 250,315 sq. ft (Unit 9). Unit 2 comprises 77,718 sq. ft and indicative images of the eastern and southern elevations are shown below at Figures 1.7 & 1.8. It is envisaged that all units would adopt a harmonious design in accordance with the principles set out within the Design and Access Statement. However, the exact details of 'Appearance' would be dealt with at the 'Reserved Matters' stage.

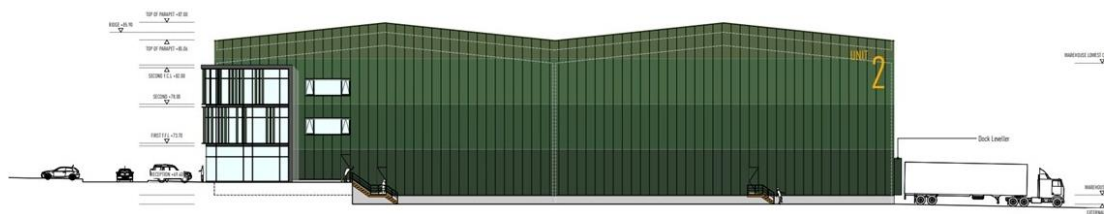


Figure 1.7: Proposed Unit 2 East Elevation (indicative only)

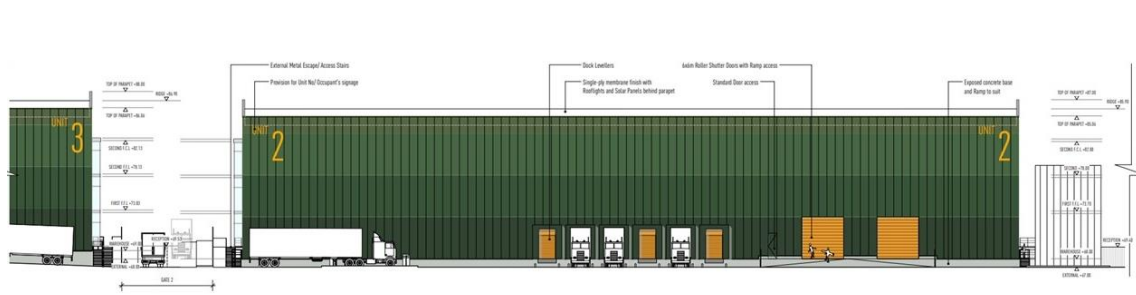


Figure 1.8: Proposed Unit 2 South Elevation (indicative only)

Site Constraints and Pre-Application Discussions

- 5.8 It should be noted that the proposal has been discussed with both Cherwell District Council and Oxfordshire County Council Officers via detailed pre-application consultation. The Pre-Application version of the scheme (January 2022) comprised a greater total floorspace (approx. 117,348 sq. m GIA). However, due to various discussions, feedback and existing site constraints, this has reduced by 13,340 sq. m to 104,008 sq. m.
- 5.9 The site encompasses a number of constraints, some of which are not controlled by the applicant. Therefore, the application seeks to work with these site constraints as their removal and / or relocation cannot be guaranteed in the short term. The key constraints are:
- D20 'Sub-Station' and overhead cabling;
 - Pumping Station;
 - Water main constraints (northeast of site); and
 - Ecological constraints (subject to relocation and mitigation).
- 5.10 The Project Team consider that this approach represents the best way forward as it will minimise potential delays regarding the delivery of the site, compared to an alternative scheme that assumes that these constraints can be overcome.

6.0 Planning Policy Position

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Specifically, Section 38(6) states:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 6.2 In this instance the Development Plan comprises the Adopted Cherwell Local Plan 2011 - 2031 (Part 1), which was formally adopted on 20th July 2015 and provides the Strategic Planning Framework for the district to 2031. The Plan was then re-adopted on 19th December 2016 to respond to changes to Policy ‘Bicester 13’ only (no other changes were made to the July 2015 version).
- 6.3 The Adopted Cherwell Local Plan 2011 – 2031 (Part 1) Partial Review – ‘Oxford’s Unmet Housing Need’ (September 2020) also forms part of the Development Plan. However, as the amendment predominantly relates to housing, it is less relevant to this proposal.
- 6.4 The Cherwell Local Plan (Part 1) replaced a number of saved policies within the adopted Cherwell Local Plan which was adopted in November 1996. However, some of the policies contained within the 1996 Local Plan are ‘saved’ and remain part of the Development Plan.
- 6.5 As part of the Oxfordshire Housing and Growth Deal agreement with the Government, the six Oxfordshire authorities – Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council – have committed to producing a joint statutory spatial plan (JSSP), known as the Oxfordshire Plan 2050.
- 6.6 We understand that the aim is to submit the Oxfordshire Plan 2050 to the Planning Inspectorate for independent examination with adoption by 31st October 2022, subject to the examination process.

6.7 The following documents will also include provisions that are *'material considerations'*:

- The National Planning Policy Framework (NPPF) July 2021
- The National Planning Practice Guidance (NPPG)
- Developer Contributions SPD, February 2018
- Cherwell Economic Development Strategy 2011 – 2016
- Cherwell Annual Monitoring Report 2020
- The Outline Planning Permissions at the site (ref:11/01494/OUT & 19/00937/OUT)

Proposals Map Designations

6.8 The site is located within the following proposals map designations:

- within the *'Graven Hill: Mixed Use (Housing and Employment)'* Area (Bicester 2);
- within the *'Bicester South & Ambrosden Ward'*; and
- within the *'Bicester Parish Council'*.

6.9 There are no other site-specific designations that affect the site. Figure 1.9 provides an image showing the site (a the 'bottom centre') on the Interactive Policies Map.

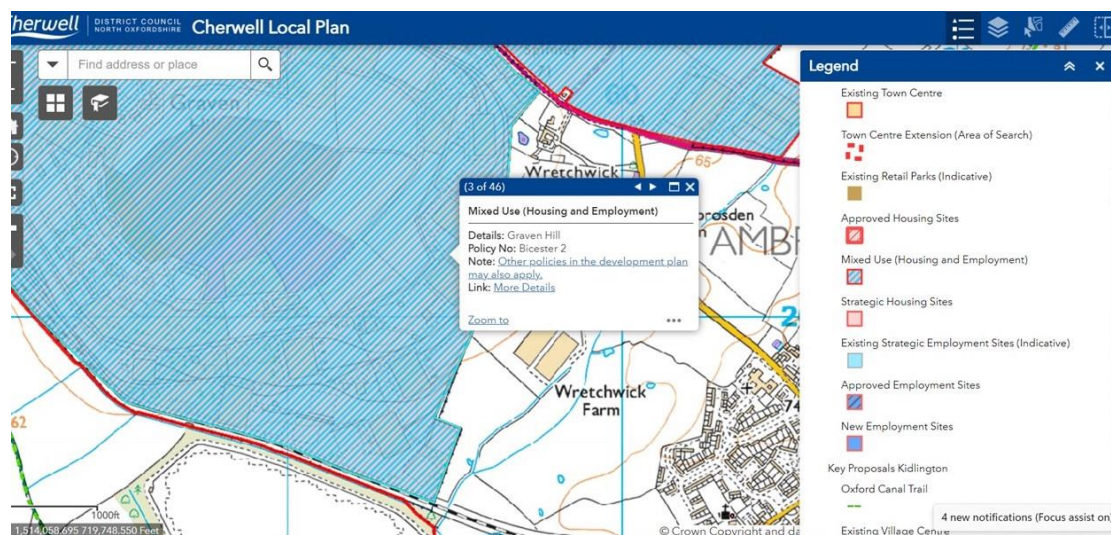


Figure 1.9: Extract from the Interactive Policies Map (Cherwell District Council website)

7.0 Assessment of Proposal

7.1 The key planning considerations that relate to the proposal are as follows:

- The Principle of Development
- Provision of B8 Storage and Distribution: Logistics Use
- Environmental Considerations
- Visual Impact and Heritage Considerations
- Sustainability Considerations
- Transport and Servicing Considerations
- Design, Layout and Placemaking Considerations

The Principle of Development

7.2 Paragraph 11 within the NPPF (July 2021) seeks to support Local Authorities that promote the development needs of an area by applying a '*presumption in favour of sustainable development*'. Furthermore, Paragraph 119 within Section 11 '*Making effective use of land*', of the NPPF is relevant and supports plans that promote an effective use of land that utilise previously-developed or '*brownfield*' land.

7.3 With specific reference to the commercial nature of the proposal, the NPPF also provides high level support for sustainable economic growth and productivity. Paragraphs 81 (in part) and 82 at Section 6 '*Building a strong, competitive economy*', are relevant and state:

'81. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

'82. Planning policies should:

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

b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;

c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

7.4 Furthermore, Paragraph: 031 Reference ID: 2a-031-20190722 within the **‘Housing and economic needs assessment’** section of the National Planning Practice Guidance (which supports the NPPF) is relevant and refers to logistics use. It states:

‘How can authorities assess need and allocate space for logistics?’

The logistics industry plays a critical role in enabling an efficient, sustainable and effective supply of goods for consumers and businesses, as well as contributing to local employment opportunities, and has distinct locational requirements that need to be considered in formulating planning policies (separately from those relating to general industrial land).

Strategic facilities serving national or regional markets are likely to require significant amounts of land, good access to strategic transport networks, sufficient power capacity and access to appropriately skilled local labour. Where a need for such facilities may exist, strategic policy-making authorities should collaborate with other authorities, infrastructure providers and other interests to identify the scale of need across the relevant market areas. This can be informed by:

- engagement with logistics developers and occupiers to understand the changing nature of requirements in terms of the type, size and location of facilities, including the impact of new and emerging technologies;
- analysis of market signals, including trends in take up and the availability of logistics land and floorspace across the relevant market geographies;
- analysis of economic forecasts to identify potential changes in demand and anticipated growth in sectors likely to occupy logistics facilities, or which require support from the sector; and
- engagement with Local Enterprise Partnerships and review of their plans and strategies, including economic priorities within Local Industrial Strategies.

Strategic policy-making authorities will then need to consider the most appropriate locations for meeting these identified needs (whether through the expansion of existing sites or development of new ones).

Authorities will also need to assess the extent to which land and policy support is required for other forms of logistics requirements, including the needs of SMEs and of 'last mile' facilities serving local markets. A range of up-to-date evidence may have to be considered in establishing the appropriate amount, type and location of provision, including market signals, anticipated changes in the local population and the housing stock as well as the local business base and infrastructure availability.

Paragraph: 031 Reference ID: 2a-031-20190722

Revision date: 22 07 2019'

- 7.5 We consider that the proposal adheres to the broad policy and economic aims noted within the NPPF and NPPG. In addition, Table 1 '*Strategic Employment Sites*', within the Cherwell Local Plan 2011 – 2031 (Part 1) (hereafter referred to as '*CLP 2011*' for ease) identifies Graven Hill as having a gross employment area of 26 hectares.
- 7.6 Furthermore, Policy PSD 1: '*Presumption in Favour of Sustainable Development*', notes that the Council will always work proactively with applicants and will seek to approve planning applications that accord with the policies in the Local Plan without delay, unless material considerations indicate otherwise.
- 7.7 Policy SLE1 '*Employment Development*' within the adopted CLP 2011 seeks to focus new employment floorspace at allocated sites within the district. There are 6 Strategic Employment Sites identified in Table 1.1 ('*Strategic Employment Sites*') in Bicester. The site falls within the Graven Hill site ('*Policy Bicester 2: Graven Hill*') and is identified as having major development potential.
- 7.8 Policy SLE1 notes that '*in cases where planning permission is required existing employment sites should be retained for employment use*'. It goes on to state (in part):

'Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations.'

- 7.9 The site is specifically identified as being within Policy 'Bicester 2: Graven Hill' within the CLP 2011. The Policy identifies that the total development area of this brownfield site is 241 hectares. However, the proposal relates to the 'Employment' part of the site, which is identified as being approx. 26 hectares. The Policy notes that approx. 2,000 jobs could be created at the site across a range of uses, including B1 (now Class E), B2 and B8 'storage and distribution' (including logistics) use.
- 7.10 Furthermore, it is important to note that Outline Planning Permission (ref: 11/01494/OUT & ref: 19/00937/OUT) has previously been granted at the site for approx. 92,040 sq. m of employment floorspace. These decisions form important 'material considerations' that support the proposal. Therefore, given the previous Outline Planning Permission, as well as the specific requirements set out within 'Bicester 2: Graven Hill', we consider that the principle of a new B8 logistics park at the site is consistent with Policy and should be supported.
- 7.11 In addition, pre-application discussions between the Applicant, CDC and Oxfordshire County Council (OCC) took place. The formal pre-application response from CDC was received on 9th March 2022 and refers to the proposed use. It states (in part) as follows:

'The consultation response from our Planning Policy section is clear that the use of the application site for a logistics park is generally acceptable. It is Officer's view that the proposal is with respect to the proposed land use of warehouse development consistent with Bicester Policy 2, as set out in the adopted Cherwell Local Plan 2011-2031.'

- 7.12 In addition, the detailed Pre-Application Planning Policy response states (in part) as follows:

'The Policy Bicester 2 site allocation extends to approximately 241 hectares of which just 26 hectares proposed for employment development. (mixed B1, B2 and B8 uses). The policy does not specify the employment use split but anticipates that approximately 2,000 jobs will be created on the site.'

- 7.13 Furthermore, the detailed Pre-Application Planning Policy response goes on to state:

'Supporting paragraph C.58 states that the proposal will also support local economic growth including the warehousing and logistics sector in a location that lends itself to both national and regional distribution.'

The proposal site, at 30.5 hectares, is some 4.5 hectares larger than the 26 hectares of employment land proposed by Policy Bicester 2. Any subsequent application will

therefore need to demonstrate that the overall objectives of Policy Bicester 2 can still be delivered by allocating additional employment land.

Policy Bicester 2 anticipates that the site will deliver a mixed-use employment development to include former B1 and B2 uses. The application will therefore need to justify why these types of employment uses are not proposed.

It is, however, noted that the supporting paragraphs to the policy indicate that the expectation is that the site will deliver mainly B8 units. It is also noted that the existing use is for B8.

In conclusion, the proposals are generally consistent with the adopted development plan. However, any subsequent application will need to demonstrate that the overall objectives of Policy Bicester 2 can be met, in particular by the increase in the area proposed for employment use. A justification for the lack of B1, B2 will also need to be made.'

- 7.14 In support of this Planning Application, we have submitted an Economic Impact Assessment (by Quod) which sets out the needs case and demonstrates the strong 'demand' for logistics floorspace (B8 Use Class) at the site and in the wider region.
- 7.15 However, it is noted that the development of the site is likely to come forward over a number of years and that it is difficult to predict the exact nature of future market demand. With this in mind, the indicative masterplan has been designed to be flexible enough to provide smaller or larger units. The location or number of units is not fixed at this 'Outline' planning stage, and it is envisaged that such details would be confirmed at the 'Reserved Matters' stage.
- 7.16 Furthermore, the 'indicative' design of the proposed buildings shows that modern warehouse units can easily be accommodated at the site. Such units are equally adaptable and flexible (by virtue of the 'Outline' nature of this planning application) to provide alternative Class E uses, such as buildings for Class 'E(g)(iii)' 'Industrial processes' of Class B2 'General Industrial' if demand changes.
- 7.17 Therefore, we consider that the Outline Application and indicative masterplan provide sufficient flexibility (e.g., in terms of design) to provide a comprehensive logistics park or alternative employment uses at the site should future market demand alter.
- 7.18 The pre-application response from the Policy Team also refers to the fact that the Outline Planning Application site area is approx. 30.1 hectares or 4.1 hectares larger than the 26 hectares of employment land proposed by Policy Bicester 2. The Policy response does not raise an

objection by providing additional employment land at Bicester 2, it simply seeks to ensure that delivery of the overall objectives of Policy Bicester 2 is not jeopardised by the increased employment land provision.

- 7.19 With reference to Policy Bicester 2, the key strategic planning objectives, include the provision of 2,100 homes and associated social infrastructure etc. The total area for Bicester 2 encompasses 241 hectares of which 26 hectares is allocated for employment land (10.8% of total area).
- 7.20 Given the large size of the site, the increase in employment land at the site, (4.1 hectares) represents just 1.7% of the total area, resulting in a total employment area of 12.9% of the 241 hectares, thus leaving 210 hectares, (rather than 215 hectares) to achieve the Policy aims of Bicester 2. The increased area for employment use at Graven Hill will increase the likelihood of achieving the employment policy aim of creating 2,000 jobs.
- 7.21 Furthermore, the original masterplan from the August 2014 outline permission (see Figure 1.2 within this statement) shows that all of the non-commercial uses were to be located to the north of the Application Site at Graven Hill. On this basis, we consider that the development of 'D1 Site' at Graven Hill will not jeopardise the ability to deliver the Policy aims of Bicester 2 at Graven Hill. Conversely, our view is that the application will support the Bicester 2 Policy by optimising the potential to provide 2,000 jobs at the site.
- 7.22 With reference to the various pre-application responses, we would also like to highlight that the 'Economic Growth' team at CDC provided high level support for the proposal. The pre-application response states (in part) as follows:

***'Principle:** The principle of the proposal – to redevelop this part of Graven Hill – is a welcome advancement towards the Council's ambition to create a significant mixed-use redevelopment. Strategically allocated as 'Bicester 2' in the Adopted Local Plan, the Council's policies and activities seek to enable the growth of enterprise and the creation of a range of local employment opportunities. The Council also seeks to create a high-quality, sustainable balance within the context of its dedicated Garden Town ambition.'*

- 7.23 We would also like to highlight that the Planning Policy and CDC Pre-Application response that refers to the railway infrastructure at the site and locality. It states:

'The consultation response of both our Planning Policy and Economic Development teams mentions the potential to utilise existing railway infrastructure on site for the development. It is understood that whilst this is desirable to further climate change policies and indeed is noted in Bicester Policy 2 in the Local Plan, you have suggested it

is for ownership and operational reasons unlikely to be a practical and deliverable option. Such arguments should be presented within your forthcoming application for the logistics park.'

- 7.24 As noted within the Pre-Application response, the MOD railway adjacent the site is a MOD asset. Therefore, we have no ownership or rights to use this in association with the proposed logistics use. Furthermore, the railway tracks on the site itself were constructed to serve the former logistics use. This was due to the fact that the entire site was controlled by the MOD and the trains connected to the large warehouses at the site.
- 7.25 However, moving forward, such an approach is not considered to be practical or feasible. The key reason for this is that each unit is very likely to be let to different occupiers and businesses. This would negate any need to move materials or products between different warehouses at the site as each business is likely to be independent of each other.
- 7.26 Furthermore, if we did keep the existing railway lines at the site, this would result in a significant physical site constraint restricting the opportunity for a flexible layout as well as the ability to optimise the development potential of the site and maximise job provision.
- 7.27 Commercial Agency feedback also indicates that logistic occupiers are keen to ensure that their units are separate and independent for security reasons. Therefore, for the reasons noted, we do not consider that it is feasible to utilise the rail routes at and around the site.

Provision of B8 Storage and Distribution: Logistics Use

- 7.28 Paragraph 83 at Section 6 '*Building a strong, competitive economy*', within the NPPF identifies the need to consider the locational requirements of different sectors. It continues by stating the need to make provision for '*clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations*'.

Market Demand

- 7.29 The supporting text to Policy Bicester 2 (Paragraph C.57) identifies that the site '*benefits from excellent transport connections*'. In addition, the historic use of the site was as part of the Logistics, Commodities and Services (LCS), for the MOD. The nature of this use was akin to B8 '*storage or distribution*' use in terms of the Planning Use Classes Order.

7.30 The site currently lies vacant. However, given its historic use, it is clear that it is ideally located for storage and logistic type uses. Furthermore, in support of the Outline Planning Application, we have submitted an Economic Impact Assessment (EIA) by Quod. This document provides detailed information regarding the need for logistics in Bicester and notes the various economic benefits. We have summarised the key findings of the EIA by Quod but recommend that Officers refer to the full EIA document.

7.31 The key headline benefits include:

- Up to 2,430 operational jobs, including high-skilled, tech-led employment
- 450 FTE jobs over the duration of the construction build programme
- Up to £7,003,000 per year in local spending by employees
- Up to an additional 2,160 indirect jobs in the local supply chain
- Up to £153,240,000 per annum in GVA
- Annual business rates of £909,000, a portion of which will be retained by the council for investment in local services and facilities

7.32 Paragraph 2.6 within the EIA notes the growth of the logistics sector and states:

'The logistics sector in Bicester and Cherwell has seen a lot of growth in the recent past. Over the latest economic cycle (2009 to 2020), jobs in transportation and storage sectors have increased in Cherwell by 50%, against an all-sector increase of 20% over the same period.

7.33 Paragraph 2.8 provides further evidence of strong demand for logistics and states:

'The evidence of logistics market strength is strong. The Covid-19 pandemic and the agreements of the final Brexit deal have applied additional strain to supply chains, with the logistics sector growing and evolving to deliver against customer demand for online shopping, as well as to hold more inventory in the UK to protect against potential delays at the UK border. As a result of these factors, take up nationally hit an all-time annual record of over 5 million sqm in 2021.

7.34 Paragraph 2.12 within the EIA refers to CDC's Economic Needs Assessment, which states:

'Cherwell District Council's latest Economic Needs Assessment sets out the market needs in the Bicester, Cherwell and Oxfordshire areas. It sets out the significant demand, construction and uptake of logistics and warehousing stock in the Bicester area, a trend which the market is set to continue to support.

7.35 Paragraph 2.15 within the EIA notes that Bicester is not a traditional office destination and that the demand profile means that it is less feasible for a developer to create new office stock. It notes that demand, take up and rents are low. This adds further justification to the proposed B8 use at the site.

7.36 Paragraph 2.18 is relevant and refers to demand for B1 and B2 uses. It states:

'Together, the data and the Council's evidence base indicate that the Bicester and Cherwell market for B1 and B2 uses is, in the current and medium term, not strong. The evidenced demand in this location is for B8 uses. Providing the appropriate uses to respond to market demand and to sustain the local economy is the right approach, given it is set out in national policy (see Section 4). As set out in this application, the proposals for the site are in outline and therefore flexible enough that, should the market change direction in the long term, buildings or the phased design could be changed so as to accommodate other uses (subject to the necessary consents and planning policy at the time).'

7.37 Section 3 of the EIA refers to demand for logistics floorspace and paragraphs 3.1 & 3.2 make for interesting reading. It states:

'3.1 Supply of logistics floorspace, at a national level, is at the lowest level ever recorded, at 2.91% (end of 2021). It is the same picture locally, and in the Bicester logistics catchment area this is in part due to a slowdown in the rate of construction in 2020/21 caused by the pandemic, as well as demonstrably high demand from a range of types of business. Across the South East, at the end of 2021 supply stood at over 340,000 sqm across 25 units, a fall of around a third from one year before.

3.2 Developers are responding by building, with over 190,000 sqm of space taken up in the past two years in the Bicester area. The market pipeline is provided at Table 3.1. Agents observe that new speculative development is typically leased either during construction or shortly after practical completion, providing developers comfort in going ahead with speculative design and build. In summary, there is a shortage of quality stock in this catchment.'

7.38 Paragraph 3.4 continues this theme and goes on to state:

'Not only is demand incredibly high, but the demand for different and new types of logistics and warehousing space is changing at a fast pace. A shift is underway, where forklifting and pick and-pack is giving way to automation, and tech-enabled activities which require on-site maintenance and IT staff undertaking data analysis and software engineering. Robotics and automation are at the forefront of this new type of operation.'

7.39 Paragraph 3.12 refers to the details of this demand, noting that market intelligence indicates that units of 10,000 to 20,000 sq. m are particularly in demand in the Bicester and M4 corridor market. It notes that there has been a shift away from larger units in favour of smaller ones as a result of changing preferences by occupiers.

7.40 The latter section (Section 5) refers to the economic benefits that the development will bring. With reference to 'Employee Spending' paragraph 5.22 is relevant and states:

'The operational employees will spend a portion of their wages in the local economy, such as picking up items before or after work, or going for lunch. Workers in the UK spend an estimated £13.10 per day in the local area around their place of employment. On this basis, the 1,150 and 2,430 FTE jobs could generate up to between £3,314,000 and £7,003,000 per year in local spending.'

7.41 Furthermore, the development, investment and businesses at the site will support further jobs in the economy. Paragraphs 5.24 & 5.26 refer to 'Multiplier Effects' and states:

'5.24 In addition to employment directly generated by the scheme on site, the scheme will create multiplier effects through expenditure by the tenant businesses directly, and by their workers. For every job created by the scheme, a further 0.9 jobs will be supported elsewhere in the economy – including in local firms in the district.

5.26 Based on ONS benchmark employment multipliers by sector, the scheme could generate an additional 1,020 to 2,160 indirect jobs.'

7.42 In addition, paragraph 5.28 within the EIA refers to 'Productivity Benefits' and states:

'The increase in employment will make an economic contribution in terms of Gross Value Added (GVA). Using data on regional level GVA, the new jobs are estimated to generate between £72,520,000 and £153,240,000 per annum.'

- 7.43 It is clear that there is continued and growing demand for high quality logistics space at accessible locations. We consider that Graven Hill is ideally suited to meet some of this substantial demand to deliver a significant number of jobs and wider investment, regeneration and economic benefits at this vacant brownfield site.
- 7.44 As previously identified, Policies PSD1, PSD2 and Bicester 2 all support the principle of large scale employment development at the site. The excellent links to the road transport network have already been highlighted (e.g., Junction 9 of the M40). The Outline Planning Permission at the site provides further support for the proposal, as does the nearby Tritax Symmetry Park, which represents a key precedent for modern logistics facilities.
- 7.45 Additionally, there is robust and growing demand for such development. On this basis we consider that the proposal will deliver significant investment, regeneration, job opportunities and wider economic benefits to Bicester.

Environmental Considerations

- 7.46 The site has a number of environmental constraints that will require careful management and mitigation. Such considerations include the presence of bats, badgers, reptiles and birds. On this basis, consultation with Natural England will take place to ensure that any surveys, works, mitigation and demolition, is undertaken during the appropriate seasons (subject to obtaining the relevant licences etc).
- 7.47 Numerous ecological surveys have been undertaken and these will continue over the coming months. There is a substantial body of knowledge regarding the site and key policies are summarised below. It should be noted that the 'hill' part of Graven Hill, which lies to the north of the site, is identified as '*Ancient Woodland*' on the '*Biodiversity Map*,' contained at Appendix 5 within the CLP 2011. However, the D1 Site lies outside of this area.
- 7.48 In terms of the natural environment, Planning Policy ESD10 '*Protection and Enhancement of Biodiversity and the Natural Environment*', is most relevant. Policy ESD10 states that the protection and enhancement of biodiversity and the natural environment will be achieved by some of the following measures, which include a net gain in biodiversity by protecting, managing, enhancing and extending existing resources, and by creating new resources. Additionally, the protection of trees will be encouraged, with an aim to increase the number of trees in the district. The reuse of soils will also be sought.

7.49 Policy ESD10 goes on to state (in part) that:

'Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site. Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity.'

7.50 Paragraph B.238 forms part of the supporting text to Policy ESD10 and states (in part):

'B.238 There are a number of features which can be incorporated into developments to encourage biodiversity including green roofs and walls, SUDs, using native and locally characteristic species in landscaping schemes, using landscaping to link up existing areas supporting biodiversity and including features such as bird and bat boxes.'

7.51 The proposal seeks to encourage biodiversity, where feasible. The proposal includes large areas for SUDS, especially at the southern corner of the site. It is also envisaged that bird and bat boxes and other mitigation measures (such as a 'bat barn') will also be agreed with Natural England as part of the Demolition and Mitigation strategy. It is envisaged that details concerning biodiversity would be confirmed at the Reserved Matters stage. Specialist lighting at the site has also been chosen to positively respond to the bats in the area.

7.52 In addition, Policy ESD17 '*Green Infrastructure*', notes that all strategic development sites (such as '*Bicester 2: Graven Hill*') will '*be required to incorporate green infrastructure provision and proposals should include details for future management and maintenance*'. The proposal includes areas of green space between the buildings and retains some areas of woodland. Again, the details of the green infrastructure provision and maintenance will be confirmed at the Reserved Matters stage. However, the Parameter Plan shows that two '*Green Corridors*' would be provided to act as ecological corridors, thus avoiding habitat fragmentation.

7.53 Policy ESD6 '*Sustainable Flood Risk Management*' seeks to manage and reduce flood risk. As the site is greater than 1 hectare, a Flood Risk Assessment (FRA) has been provided in support of the Outline Planning Application. Policy ESD7 '*Sustainable Drainage Systems (SUDS)*', requires all development to use SUDS for the management of surface water run-off. In response to this policy, extensive areas of SUDS are proposed as part of the development proposal. Further details are provided in the Supporting Documents for the Outline Planning Application.

Visual Impact and Heritage

- 7.54 The site is substantial in size and is characterised by several large warehouse buildings. In terms of its topography, the site rises from the south to the north.
- 7.55 Policy ESD13 '*Local Landscape Protection and Enhancement*', within the CLP 2011 is relevant and notes that opportunities will be sought to secure the enhancement of the character and appearance of the landscape. It goes on to state that '*development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*'.
- 7.56 Policy ESD15 '*The Character of the Built and Historic Environment*', is also relevant. It sets out a number of design aims and also seeks to conserve, sustain and enhance designated and non-designated '*heritage assets*', including buildings, features, archaeology, conservation areas and their settings.
- 7.57 With reference to heritage considerations, there is a cluster of listed buildings in Ambrosden, which are mostly Grade II listed, apart from the Grade II* Church of St Mary the Virgin. However, the application site is not visible from the listed buildings due to residential development in between. However, the application site is likely to be visible from Wretchwick Lodge to the East, which is Grade II listed.
- 7.58 This Outline Planning Application is supported by a Landscape and Visual Effects Chapter within the Environmental Statement. This assessment demonstrates that the pale roofs of some existing units at the site (e.g., Units D06 & D09) are visible in the views chosen for the assessment.
- 7.59 The assessment reviews a number of key views around the site, such as Viewpoint 9, which is shown at Figure 1.10. In the vast majority, the effect of the proposal is identified as **Negligible** to **Minor adverse** in terms of landscape impact.



Figure 1.10: Representative Viewpoint 9, with the proposal partially visible

7.60 In addition, design principles are proposed to mitigate any visual impact. These include:

- Buildings set within a high-quality landscape framework
- Retention of most of the existing boundary vegetation and wooded areas located adjacent to the southern and eastern boundaries of the Application Site
- Green Infrastructure and ecological habitat connectivity achieved by the establishment of 'Green Fingers' across and through the proposed development; and
- Use of native and locally native planting.

7.61 The design principles will help to mitigate the visual impact of the development upon the landscape. Part of this mitigation would involve careful consideration of a sensitive materials palette and colouring, such as that used at Magna Park in Milton Keynes (see Figure. 1.11). This is a substantial storage and distribution development where varied façade treatments and colour tones have been used to help the building fade into the sky.



Figure 1.11: Magna Park, Milton Keynes, use of façade colour tones mitigates visual impact

7.62 The supporting Design and Access Statement includes CGI's of what the proposal could look like with 'Green', 'Brown' or 'Blue / Grey' façade colouring and different tones. Furthermore, additional landscaping and tree planting close to the site boundaries are options that could mitigate the visual impact of the proposal. See Figure 1.12 which shows a CGI of the Indicative Masterplan with varied 'green' coloured tones on the façade of the buildings.



Figure 1.12: CGI view of the indicative masterplan, looking southwest across the site

- 7.63 As noted, pre-application discussions between the Applicant and CDC and took place during the early part of this year. The Landscape Planning Officer at CDC responded to the pre-application scheme and commented (in part) as follows:

'The application seeks to replace a series of old MOD warehousing with modern units in the same location.'

The existing units are approximately a maximum of 12m high. The proposed units just over 20m high. The new units are densely sited on the site leaving little room for meaningful planting to break up the facades of the buildings. Whilst it is neither practical nor in my opinion desirable, to try to screen such buildings to the point of trying to hide them (impossible anyway, particularly in winter) wider margins of planting would break up the facades and make them less visually dominant.

Careful consideration needs to be given to the colour of the buildings as this will make a large difference in their visual impact.'

- 7.64 The comments from the Landscape Planning Officer referred to the pre-application scheme, which proposed 117,348 sq. m across 9 units (indicative masterplan). In response to various pre-application discussions, the proposal has been reduced to 104,008 sq. m (a reduction of 13,340 sq. m) allowing the opportunity for greater distancing and planting around the buildings.
- 7.65 As noted above, the Landscape Assessment notes that the impact of the development can be mitigated by design principles and careful consideration of varied colour palettes and tones, as shown in the DAS. Although the exact details of the 'appearance' and location of buildings at the site will be confirmed at the 'Reserved Matters' stage, we consider that the supporting landscape assessment demonstrates that the scheme is acceptable from a landscape and heritage perspective.

Sustainability Considerations

- 7.66 Policies ESD1 *'Mitigating and Adapting to Climate Change'*; ESD2 *'Energy Hierarchy and Allowable Solutions'*; ESD3 *'Sustainable Construction'*; ESD4 *'Decentralised Energy Systems'*; and ESD5 *'Renewable Energy'* all seek to mitigate the impact of development within the district on climate change. The incorporation of suitable adaptation measures in new development to ensure that development is more resilient to climate change impacts will also be promoted.
- 7.67 The sustainability agenda is becoming increasingly essential and urgent. The proposals seek to deliver new high-quality buildings that are both fit for purpose and sustainable in the longer term. The buildings will seek to achieve BREEAM *'Excellent'* accreditation and opportunities for both sustainable and renewable energy provision will be taken, where feasible.
- 7.68 The Outline Planning Application is supported by an Energy and Sustainability Statement and paragraph 3.24 within the statement refers to *'Facilitating a Heat Network Connection'*. It states as follows:

'If deemed feasible at the detailed design stage, the communal network should allow for a single point of connection to an areawide network and, prior to this, be supplied from a single energy centre large enough for the entire site where all energy generating equipment is located. A single energy centre will facilitate the simplest connection (whether immediately, or at a later date) to an area wide district heating network as well as reduce maintenance & operating costs. Therefore, a sufficiently large energy centre that will allow for its connection to an area-wide heat network is required.'

- 7.69 The assessment also identifies that Solar Thermal; Solar Photovoltaic, and Ground Source Heat Pumps are likely to be the most appropriate measures for Renewable Energy Generation. Although the energy strategy would be confirmed at the Reserved Matters Stage there is a commitment from the Applicant to ensure that the development achieves BREEAM *'Excellent'* rating and will also target *'Net Zero Carbon'* at the construction phase. On this basis, we consider that the proposed Energy and Sustainability Strategy is acceptable and will create a framework for further sustainable development at the Reserved Matters stage. Further details are provided within the Energy and Sustainability Statement that supports this application.

Transport and Servicing Considerations

- 7.70 Policy SLE4 *'Improved Transport and Connections'* within the CLP 2011 is relevant and notes that the Council will support the implementation of the proposals in the movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.

- 7.71 Furthermore, Policy Bicester 2 requires financial contributions to provide improvements to the surrounding local and strategic road network alongside new points of access between the site and Bicester.
- 7.72 The site currently provides a series of paved roads that connect the existing vacant warehouses. However, due to the ongoing construction of the Employment Access Road (EAR), which adjoins the northern site boundary, much of the site is now inaccessible due to safety considerations.
- 7.73 Policy ESD 15 '*The Character of the Built and Historic Environment*', within the Local Plan is relevant. Specifically, it states that proposals should '*demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing.*'
- 7.74 As noted previously, the site benefits from an Outline Planning Permission from 2014 (and subsequent revisions). This enabled the provision of approx. 92,040 sq. m of commercial space, much of which was for logistics (approx. 66,960 sq. m or 720,000 sq. ft). On this basis, it has already been established that the site and the local road network can accommodate approx. 990,000 sq. ft of commercial development. We note that the proposal results in an increase of approx. 129,529 sq. ft (subject to detailed design), which represents an increase in floor area of approx. 12%.
- 7.75 Over the past six months, our Transport Consultants (Alan Baxter Associates) have engaged with Oxfordshire County Council (OCC) Highways Team to discuss the proposal in relation to the road network. The details of these discussions are provided within the supporting Transport Assessment. However, key points include the provision a strip of land along the northern site boundary to allow space for expansion of the EAR for the South East Perimeter Road (SEPR). The OCC Pre-Application response states (in part) as follows:
- 'Accordingly OCC have collected strategic transport contributions from all significant developments in the area towards the delivery of a South East Perimeter Road (SEPR). The Employment Access Road (EAR) within the Graven Hill site has been safeguarded as northern section of the route of the SEPR between the A41 north Wendlebury and the Pioneer Road roundabout junction.'*
- 7.76 In addition, we have also included increased provision for Electric Vehicle Charging (EVC) and cycle parking to support the development. It is also envisaged that a dedicated pedestrian and cycle routes will be provided adjacent the EAR at the northern section of the site. Further information is provided in the Transport Statement by Alan Baxter Associates which supports the application. This also includes a Travel Plan to support sustainable travel initiatives.

Design, Layout and Placemaking Considerations

- 7.77 Section 12 '*Achieving well-designed places*', within the NPPF requires good design and notes that proposals should aim to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. It also requires proposals to be visually attractive as a result of good architecture and effective landscaping.
- 7.78 Policy Bicester 2: '*Graven Hill*' within the adopted Local Plan is relevant. The policy provides key site specific design and place shaping principles for new development. It stresses the need to promote a sustainable layout that enables a high degree of integration and connectivity between new and existing communities, with appropriate consideration of the relationship of the development with any retained military uses.
- 7.79 Although the proposal comprises an Outline Planning Application (fixing 'Access' only) the project architects have provided an Indicative Masterplan, which shows a realistic option of how the site could come forward. This provides a realistic site layout and building sizes that have been formulated in conjunction with Commercial Agency advice, ensuring that the indicative scheme positively responds to market requirements.
- 7.80 The indicative proposal also seeks to employ sustainable and integrated connections across the site in the form of new roads, pedestrian footpaths and cycleways, to ensure safe and permeable access. As noted previously, it is envisaged that the exact details will be confirmed at the 'Reserved Matters' stage. However, the supporting Design and Access Statement (DAS) indicates how the site could come forward and provides a design vision of how the site may look in terms of materiality, appearance, layout and landscaping.
- 7.81 The proposal includes the opportunity to ensure a high degree of placemaking to incorporate functional and attractive open space areas within the site, in accordance with the aspirations of Policy Bicester 2. Policy C28 '*Layout, design and external appearance of new development*', within the Cherwell Local Plan 1996 (Saved Policies) also seeks to ensure that new development is both sensitive to its context and of a high quality.
- 7.82 Policy ESD15 '*The Character of the Built and Historic Environment*' within the adopted CLP 2011 advises that new development should complement and enhance the character of its context through sensitive siting, layout and high quality design.
- 7.83 Specifically, one of the design criteria listed in Policy ESD15 requires new development to:

'Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.'

- 7.84 The design approach responds to the existing large scale warehouse units at the site, which help to form the character of the site. The scheme provides a modern interpretation of this historic logistics use and seeks to provide high quality units within a new landscape setting, which has the potential to provide areas of open and green space for recreation for employees and biodiversity.
- 7.85 On this basis, we consider the proposal provides a high-quality redevelopment and optimisation of an underutilised brownfield site, which is respectful to the character and appearance of the and the wider landscape. Clearly, the exact details of the scheme will be confirmed at the Reserved Matters stage. However, the Indicative Masterplan provides a realistic option of how the site could develop. Therefore, we consider that the principle of the proposal and indicative design is in general accordance with the relevant policy guidelines and should be supported.

8.0 Conclusion

- 8.1 The site benefits from an Outline Planning Permission (ref: 11/01494/OUT) from August 2014 (subsequently amended, ref:19/00937/OUT) that established the acceptability of approx. 990,000 sq. ft of employment floorspace at the site. These decisions form important '*material considerations*' in favour of the current application. Much of this space is for B8 'Storage or Distribution' use and '*Policy Bicester 2: Graven Hill*' provides support for the principle of the redevelopment of the site for employment uses to provide jobs and investment to Bicester.
- 8.2 The proposals respond to sustained and growing demand within the logistics sector. Given the proximity of Junction 9 of the M40 and access to the A41, we consider that the site is ideally located for such a use.
- 8.3 It is important to note that the proposed 'Storage or Distribution' use continues the historic use of the site, which was as part of the Logistics, Commodities and Services (LCS) for the MOD. Therefore, the proposal simply seeks to provide a continuation of this use within a new logistics park setting.
- 8.4 Although specific end users have not been identified, it is clear that many B8 use operators can provide a range of employment opportunities as noted in the Economic Impact Assessment by Quod. This rapidly evolving sector continues to require an increasing number of skilled technicians to ensure that new technological advances ensure efficient and reliable functioning of these facilities, which can include wide-ranging sectors from space to automotive to healthcare.
- 8.5 Although the proposal comprises an Outline Planning Application (fixing 'Access' only) at this stage, we consider that the Indicative Masterplan demonstrates how the site could come forward to provide a high quality logistics park. The site benefits from an extant Planning Permission for approx. 990,000 sq. ft of commercial floorspace and we are seeking to increase this by approx. 12%. The site is also allocated as 'Bicester 2' within the CLP 2011 and constitutes brownfield land. On this basis we consider that the principle of the proposal is acceptable.
- 8.6 The Applicant has engaged with CDC and OCC over the past six months via the pre-application process and is keen to continue an open dialogue to respond to any comments or concerns. However, we have sought to positively respond to the pre-application comments received to date, with scheme revisions and a reduction in overall floorspace, compared to the pre-application scheme version. The Applicant has also engaged with local stakeholders and will continue to do so.

8.7 In summary, the site has now been vacant for over a decade, and we are keen to see it come to fruition to provide investment, regeneration and jobs for Bicester. On this basis, we consider that the Outline Planning Application should be supported.

Appendix 1

Appendix 1: Site Photographs



Photo 1: North-east of the site looking east across the demolished Unit D5



Photo 2: Northeast corner of the site looking southwest towards Unit D1



Photo 3: North-eastern corner of Unit D1



Photo 4: Eastern elevation of Unit D1 looking north towards Graven Hill



Photo 5: Interior of vacant Unit D1 with high ceilings



Photo 6: Interior of Unit D1



Photo 7: Exterior of eastern elevation of Unit D4 looking north



Photo 8: Exterior of eastern elevation of Unit D4, looking south, adjacent Badger enclosure



Photo 9: Exterior of norther elevation of Unit D4, looking west



Photo 10: Exterior of wester elevation of Unit D7, looking east



Photo 11: Exterior of Unit D2, southern and western elevations



Photo 12: Exterior of Unit D2, eastern elevation, looking south



Photo 13: Interior of Unit D2



Photo 14: Exterior of Unit D7 (left) and D2 (right) looking north to Graven Hill



Photo 15: Interior of Building D2



Photo 16: Exterior of Building D10 at the centre of the site

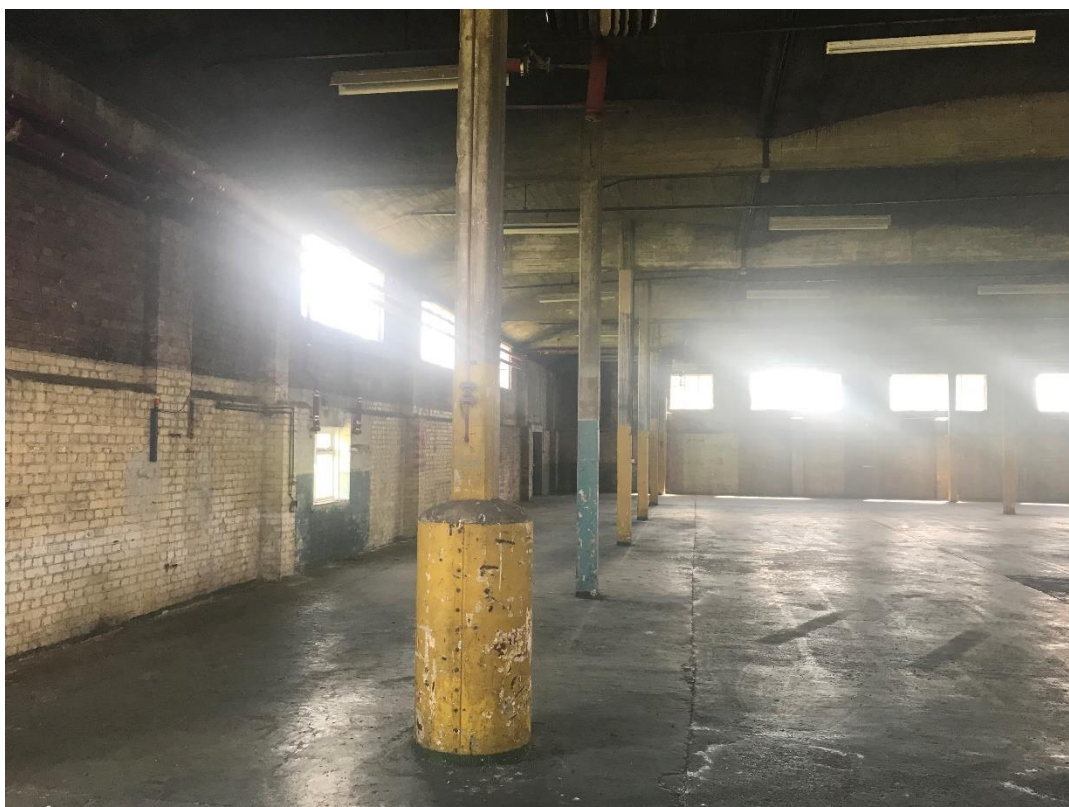


Photo 17: Interior of Building D10 at the centre of the site



Photo 18: Small woodland boundary adjacent the railway line (southern corner of the site)

Appendix 2



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant :

Secretary Of State For Defence
c/o Defence Infrastructure Organisation
Ms Ellen O'Grady
St George's House
Kingston Road
Sutton Coldfield
Birmingham B75 7RL

Date Registered : 3rd October 2011

Proposal : Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas

Location : Site C Ploughley Road & Site D & E Ambrosden Road MOD Bicester Upper Arncott Oxfordshire

Parish(es) : Arncott

OUTLINE PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** outline planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA

Cherwell District Council

Certified a true copy

A handwritten signature in black ink, appearing to read "A. Green", is written over a light blue grid background.

Head of Public Protection &
Development Management

Date of Decision : 8th August 2014

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

Outline permission time limits and plan details

- 1 No development shall commence on any part of the site until full details of the internal access roads, layout, scale, appearance and landscaping for that part of the site (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 2 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents: Application forms, Environmental Statement and drawings numbered:

- o 1982-A-L-005-B [MOD Bicester Application Site Red Line]
- o 1982-A-L-010-C [Proposed Master plan]
- o 1982-A-L-011-B [Proposed Master plan Northern Area]
- o 1982-A-L-012-B [Proposed Master plan Southern Area]
- o 1982-A-L-030-C [Building Height Constraints]
- o 1982-A-L-035-B [Building Density Constraints]
- o 1982-A-L-040-H [Land Use Diagram]
- o 1982-A-L-050-F [Land Transfer Areas]
- o 1982-A-L-060-B [Commercial Areas Sheet 1]
- o 1982-A-L-061-B [Commercial Areas Sheet 2]
- o 1982-A-L-551-G (19.05.14) [Proposed phasing boundaries - Land transfer 1]
- o 1982-A-L-073-G (3.3.14) - [Primary School Plan]
- o 1982-A-L-074-D (19.5.14) - [Primary School Title plan Land Transfer 1]
- o 1982-A-L-075-D (19.5.14) [Primary School Title Plan Land Transfer 2]
- o 1982-A-L-550 (16.5.14) [Proposed Bus Route Land Transfer 1 and 2]
- o 1982-A-L-542 (7.2.14) [Indicative Peripheral Road Position]
- o 1982-A-L-553 (19.5.14) [Spine Road Location Land Transfer 1 and 2]
- o 27808-L508a (December 2012) - Landscape Screening Proposals
- o 27808-LEA520a (December 2012) - C Site strategic masterplan
- o 27808-L509 (December 2012) - C Site: Proposed Sections
- o 27808-L506 (December 2012) - C Site: Screen planting to west boundary
- o 27808-L415 (September 2011) - MOD Bicester application sites
- o 27808-L464.dwg.smitv (September 2011) - A41/Pioneer Road mitigation scheme
- o 27808-L463 (September 2011) - A41/Gravenhill Road/B4100 mitigation scheme (signal)

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

C Site

- 3 In the case of the reserved matters for C site, as identified on the attached plan 27808-L415.dwg.smitv (September 2011) - MOD Bicester application sites, applications for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 4 The first reserved matter application for C site including the new building or part thereof, shall also include the landscape reserved matters. These details shall include;
- a) the location and extent of landscape areas, which shall be no less than those detailed on 27808-L506 (December 2012).
 - b) the construction details of landscape bunds including their profile and make up
 - c) details of the planting including the size, location and species together with necessary protection
 - d) details of fencing or other measures to protect planted areas whilst they become established
 - e) programme for delivery of the landscaping
 - f) 15 year management programme to establish and maintain the landscape areas.
 - g) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 5 The development on C site to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 6 The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 The building hereby permitted on C site shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

- 8 The permission for the building hereby granted for C site shall only be occupied by the Ministry of Defence for purposes associated with national defence.

Reason: In the interests of highway safety and to safeguard the amenities of the occupants of adjacent dwellings, in accordance with Policy C30 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

- 9 A cladding colour scheme, including the material finish for the building(s) on C site, to mitigate the impact of the building in views to the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on C site. The cladding shall thereafter comply with the approved scheme.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 10 Prior to the commencement of development at C site hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details prior to the first occupation of the building.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

- 11 The building hereby approved on C site shall not be occupied until such time as a routing agreement is in place identifying routes for commercial traffic to and from the site.

Reason: In the interests of highway safety and sustainability, in accordance with Government guidance contained in the National Planning Policy Framework.

- 12 The development hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, Chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 If the development of C Site hereby approved, does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken within the 12 months prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority prior to the commencement of development. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 14 Construction Environment Management Plan (CEMP) for the development on C site shall be submitted to and approved in writing by the Local Planning Authority prior to the implementation of the permission for C Site. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason: To ensure the environment is suitably protected during construction in accordance with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained the National Planning Policy Framework.

- 15 Prior to the commencement of the development hereby approved at C site, including any demolition, any works of site clearance and prior to the introduction of any construction machinery onto the site, protective fencing and warning notices shall be erected on the site in accordance with the approved ecological mitigation and approved CEMP. All protective fencing and warning signs shall be maintained in accordance with approved details for the entirety of the construction phase.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 16 Prior to the commencement of the development on C site hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 17 If contamination is found by undertaking the work carried out under condition 16 prior to the commencement of the development on C site hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 18 If remedial works have been identified in condition 17, the development at C Site shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 17. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 19 No development shall commence on C Site until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of Bicester, Ambrosden and Arncott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 20 The building hereby approved at C site shall not be occupied until such time as a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved travel plan shall thereafter be implemented as approved.

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

- 21 Development at C site shall not commence until a drainage strategy detailing any on or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason: The development may lead to sewerage flooding; to ensure that sufficient capacity is made available to cope with new development; and in order to avoid adverse environmental impact upon the community in accordance with guidance set out in the National Planning Policy Framework.

- 22 Development at C site shall not be commenced until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand in accordance with guidance set out in the National Planning Policy Framework.

- 23 The development of C Site permitted by this planning permission shall only be carried out in accordance with the approved drainage strategies BIC/OPA/DOC/15 dated Sept 2011, and following mitigation measures detailed within the FRA:

1. Surface water discharge rates from the site shall be limited to those set out in Table 4.7 of document BIC/OPA/DOC/15

2. Surface Water discharge rates from the site shall be limited to those set out in Tables 4.5 and 4.6 of document BIC/OPA/DOC/17

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, in accordance with guidance set out in the National Planning Policy Framework.

- 24 In relation to C Site, a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the C Site: Tree Survey (BIC/OPA/DOC/20, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 25 Prior to work commencing on C site, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

Reason To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Graven Hill

- 26 Prior to the submission of reserved matters for Graven Hill, a master plan and design code shall be provided covering at least such matters as the distribution of land uses, character areas, forms of buildings, street hierarchy, measures to support sustainable travel, strategic landscape, building typology, materials, servicing, parking and sustainability features. The Design Code shall be approved in writing prior to the submission of reserved matters and thereafter the reserved matters shall be made in accordance with the agreed Code.

Reason: To ensure high quality development in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 27 In the case of the reserved matters for Graven Hill, reserved matters applications for approval for the first phase, which shall include a minimum of 100 residential properties, shall be made not later than the expiration of four years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 28 In the case of the reserved matters for the remaining phases at Graven Hill, provided condition 27 has been complied with, applications for the approval of reserved matters shall be made not later than the expiration of eight years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 29 The development on Graven Hill to which this permission relates shall be begun not later than;

i) the expiration of two years from the final approval of the reserved matters for phase 1 or, in the case of approval on different dates, the final approval of the last reserved matters to be approved for phase 1.

ii) provided i) has been complied with, expiration of two years from the approval of the reserved matters for the remainder of the site, or, in the case of approval on different dates, the final approval of reserved matters.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General Development Procedure) Order 2010 (as amended).

- 30 Prior to the commencement of development hereby approved on Graven Hill, a phasing plan covering the entire Graven Hill site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application shall refer to a phase, phases, or part thereof identified in the phasing plan.

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

- 31 No development shall be occupied on the Graven Hill site identified on the attached drawing 27808-L415.dwg.smitv (September 2011) - MOD Bicester application sites, until a programme of highway improvements has been fully implemented at M40 Junction 9 that are sufficient to mitigate the impacts of the development and this has been agreed, in writing, by the Local Planning Authority, in conjunction with the Highways Agency.

Reason: To ensure the safe and efficient operation of junction 9 of the M40 and in accordance with central Government guidance contained in the National Planning Policy Framework.

- 32 Building heights for residential properties on Graven Hill site shall not exceed those denoted on plan 27808-L389d ai (April 2013) - Graven Hill Building Heights, except those specifically restricted by condition 33. Those buildings located above the 80m contour shall not exceed 5.4 metres in height.

Reason: To ensure the satisfactory appearance of the completed development and prevent visual encroachment above the base of the tree line on the Graven Hilltop and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 33 Building heights for residential properties on Graven Hill site adjacent to the A41 frontage (referred to as the Westacott Woodland Park area on the Landscape Masterplan/Major Open Spaces on page 165 of the Design and Access statement) shall be restricted as follows:

- o The maximum ridge height of no more than 80% of dwellings shall exceed 8.5 metres
- o The maximum ridge height of no more than 20% of the dwellings shall exceed 10.5 metres

Reason: In order to achieve a varied roofscape and satisfactory appearance of the development to mitigate the impact of the development on the rural peripheral landscape, in accordance with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained in the National Planning Policy Framework.

- 34 The maximum height of any new commercial building at Graven Hill site shall not exceed 15 metres to the ridge.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the proposed development is in scale and harmony with its rural surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 35 Prior to the commencement of each phase relating to the Graven Hill site, details of existing and proposed levels shall be submitted to and approved in writing by the local planning authority. The details shall include measures to deal with any arisings on site wherever possible.

Reason - To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 36 That prior the first occupation of any part of the Graven Hill development hereby permitted fire hydrants shall be provided or enhanced on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority.

Reason - To secure the provision of essential community infrastructure on site in accordance with Government guidance contained within the National Planning Policy Framework.

Energy

- 37 Prior to the commencement of development at Graven Hill, a feasibility assessment for district heating and/or combined heat & power to serve the site, including the consideration of bio mass, shall be carried out by a suitably qualified person and submitted to and approved in writing by the local planning authority.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

- 38 Should the feasibility study required by condition 37 identify the potential for district heating or combined heat and power, an energy plan shall be produced and be submitted to and approved in writing prior to the commencement of development. The plan shall thereafter be implemented to serve the development in accordance with the approved details.

Reason: To achieve a high quality, sustainable development that mitigates the impacts of climate change, in accordance with Government guidance contained in the National Planning Policy Framework.

- 39 Prior to the first occupation of any dwelling on the site at Graven Hill, either a final Code Certificate, certifying that the dwellings in question achieve Level 5 of the Code for Sustainable Homes, or a 'passivhaus' certificate including reduced water use (to meet code for sustainable Homes level 4) shall be issued proof of which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

- 40 All non residential buildings hereby approved on Graven Hill shall be constructed to at least a BREEAM 'Excellent' standard.

Reason - To ensure sustainable construction and reduce carbon emissions in accordance with Government guidance contained within the National Planning Policy Framework.

Housing

- 41 No more than 1900 houses shall be provided on the Graven Hill site. The market housing shall comprise no less than;

5% maximum 50sqm
5% maximum 83sqm
34% maximum 98sqm

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance contained in the National Planning Policy Framework.

- 42 Prior to commencement of development at Graven Hill, a housing plan shall be submitted to and approved in writing by the Local Planning Authority identifying how the dwellings identified in condition 41 shall be distributed through the phases of the development. The development shall thereafter be carried out in accordance with the approved housing plan.

Reason: In order to provide a mix of homes to meet current and expected future housing requirements, in the interests of meeting housing need and creating socially mixed and inclusive communities, in accordance with Government guidance contained in the National Planning Policy Framework.

Employment

- 43 Prior to work commencing at Graven Hill, an employment strategy for the site, carried out by a suitably qualified person, shall be submitted to and approved in writing by the local planning authority. The employment strategy shall;

- i) address the local employment situation, identify the areas of need and opportunity for the site to address them.
- ii) include initiatives to attract and develop knowledge and high technology industries to Bicester.
- iii) include initiatives to reduce out commuting from Bicester.
- iv) provide an assessment of the rail freight opportunity of the site and its potential to attract employment to the site and reduce road transport.
- v) address the wider Local Enterprise Partnership priorities and the opportunity for the site to contribute to their aims.
- vi) the rail lines serving the commercial units on Graven Hill shall not be removed until the assessment of the rail freight opportunity required by this condition has been submitted to and approved by the Local Planning Authority.

Reason: To secure sustainable economic growth in order to create jobs and prosperity in accordance with Government advice contained in the National Planning Policy Framework.

- 44 The local shops or facilities at Graven Hill (use classes A1, A2, A3, A5 or D1) shall not exceed 1358m² in total or comprise of any single unit exceeding 150m² in area, with the exception of a single additional retail unit (use class A1) which shall not exceed 1000m² gross area. The local shops and facilities thereafter shall not be amalgamated to form larger units without the prior written consent of the Local Planning Authority. The 1000m² retail unit shall not be used for any purpose outside of use class A1.

Reason: To ensure the provision of appropriate local community facilities to serve the development in accordance with Government advice contained in the National Planning Policy Framework.

- 45 Notwithstanding the provisions of Class J of Part 4, schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 and its subsequent amendments, the approved B1 (a) development on Graven Hill shall not be converted to provide residential accommodation, without the express planning consent of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain planning control over the development of the Graven Hill site, in order to ensure an appropriate level of services and amenities will remain for the development, in accordance with central Government advice contained the National Planning Policy Framework.

Construction

- 46 All services serving the proposed development shall be provided underground unless details have first been submitted to and approved in writing by the Local Planning Authority. Details of any necessary above ground infrastructure, whether or not permitted by the Town and Country Planning (General Permitted Development Order) 1995 (as amended) shall be submitted concurrently with the details of the development they serve.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government advice contained in the National Planning Policy Framework.

- 47 A Construction Environment Management Plan (CEMP), in relation to Graven Hill, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development on Graven Hill. Thereafter, the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the environment is suitably protected during construction in accordance with Policy ENV1 of the Adopted Cherwell Local Plan and Government guidance contained the National Planning Policy Framework.

Landscape

- 48 Notwithstanding the details submitted, no development shall take place on Graven Hill until a Strategic landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall include;

- i) identification of strategic landscape areas which shall accord with the approach set out in the Design and Access Statement
- ii) phasing of the provision
- iii) key principles for the laying out and management of each area
- iv) protection of habitat and open space areas pre and post laying out, whilst development takes place on the site.
- v) fifteen year management plan for the maintenance of the area.
- vi) an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development, to provide mitigation for the landscape impact of the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 49 In relation to Graven Hill, a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree or group of trees which shall be retained in accordance with the approved plans and particulars as set out in the Graven Hill: Tree Survey (BIC/OPA/DOC/19, September 2011); and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of this consent.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 50 No enclosures shall be erected within 5 metres of the retained barracks, without the prior express planning consent of the Local Planning Authority.

Reason - To ensure the satisfactory appearance of the completed development, to safeguard the privacy and safety of the occupants of the proposed dwellings and to safeguard the security of the MoD barracks and to comply with Policies C28 and C30 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Highways

- 51 That prior to the first occupation of the Graven Hill development the proposed Entrance Works (A41/Graven Hill Road/B4100/A4421 roundabout) as shown on Figure 11.3 in the accompanying Transport Assessment, drawing reference 27808-L463 (September 2011) – A41/Gravenhill Road/B4100 mitigation scheme (signal), between the land and the highway shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 52 That prior to the first occupation of the Graven Hill development, a construction timetable for the proposed works at Pioneer/A41 roundabout, as shown on Figure 11.4.3 in the accompanying Transport Assessment and drawing reference 27808-L464 (September 2011) – A41/Pioneer Road mitigation scheme, between the land and the highway shall be agreed. The agreed timetable shall thereafter be adhered to and the works shall be formed, laid out and constructed strictly in accordance with the Local Highway Authority's specifications and that all ancillary works specified shall be undertaken. There shall be no occupation of phase 2 (residential) or phase 1, 2 or 3 of commercial land, as set out in the phasing plan on page 178 of the Design and Access statement, until the agreed works have been implemented in accordance with the timetable, unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 53 No development shall commence on site within each agreed phase for the Graven Hill development until the internal vision splays for all vehicle access and pedestrian crossing points for the development are submitted to and approved in writing by the Local Planning Authority. Such vision splays shall be formed, laid out and constructed in accordance with the approved plan and shall not be obstructed by any object, structure, planting or other material at any time.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 54 No development shall commence on site within each agreed phase for the Graven Hill development until the tracking manoeuvres for refuse vehicles, fire tenders etc are submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 55 No development shall commence on site within each agreed phase for the Graven Hill development until details of the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such routes shall be formed, laid out and constructed strictly in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 56 No development shall commence on site within each agreed phase for the Graven Hill development until a lighting scheme for the pedestrian, cycle and vehicle routes are submitted to and approved in writing by the Local Planning Authority. Such lighting shall be formed, laid out and constructed strictly in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government advice contained in the National Planning Policy Framework.

- 57 No development shall commence on site for the Graven Hill development until a Construction Management Travel Plan providing full details of the phasing of the development and addressing each construction activity within each phase has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Local Highway Authority) prior to the commencement of development. This plan is to include wheel washing facilities, a restriction on construction & delivery traffic during and routes to the Graven Hill development site. The approved Plan shall be implemented in full during the entire construction phase and shall reflect the measures included in the Construction Method Statement received.

Reason - In the interests of highway safety and to mitigate the impacts of the development during the construction phase and to protect the amenities of the Bicester, Ambrosden and Arccott during the construction period and to comply with Policy ENV1 of the adopted Cherwell Local Plan.

- 58 That, before any of the dwellings within each agreed phase of the Graven Hill development are first occupied, the whole of the estate roads, bridges, footways, cycleway and other pedestrian/cycle routes (except for the final surfacing thereof) shall be laid out, constructed, lit and drained to Oxfordshire County Council's specifications

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework.

- 59 That, before any of the dwellings are first occupied within each agreed phase of the Graven Hill development, the proposed vehicular accesses, driveways, parking courts, parking areas and turning areas that serve those dwellings shall be constructed, laid out, surfaced and in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework.

- 60 That, before the non-residential elements of the Graven Hill development are first occupied, the parking areas shall be constructed, surfaced, laid and marked out, drained and completed in accordance with specification details to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government advice contained in the National Planning Policy Framework

- 61 A safeguarded route for a South Eastern relief road shall be identified on the master plan for the site (maximum width 15 metres) which shall be submitted to and approved in writing prior to work commencing at Graven Hill. The safeguarded area shall thereafter remain free of built development.

Reason: In order to safeguard the possible provision of a new relief road, in accordance with the Bicester Movement Study, Proposed Submission Cherwell Local Plan 2013 and guidance set out in the National Planning Policy Framework.

Drainage Conditions

- 62 No development shall commence until full details of a scheme for the provision of mains foul water drainage and treatment, including any improvements or other works to existing off site drainage and treatment infrastructure ('the drainage scheme'), has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall include details of the drainage and treatment works to be provided for each phase of the development set out in the Phasing Plan approved under condition 30. No dwellings in any phase of the development shall be occupied until that part of the drainage scheme for the relevant phase(s) of the development has been implemented in full.

Reason: To ensure that sufficient capacity is made available to dispose and treat the foul flows discharged from the development. This condition is imposed in light of policies set out within the NPPF.

- 63 Development shall not be commenced on the Graven Hill site until: impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason - To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- 64 Prior to the commencement of development on the Graven Hill site, a scheme to ensure that no surface water from the Graven Hill development shall be discharged onto the adjoining highway shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of each agreed phase.

Reason - In the interests of highway safety and mitigating flood risk and to comply with Government advice contained in the National Planning Policy Framework.

- 65 Prior to the commencement of development at Graven Hill, a surface water drainage strategy based on Sustainable Urban Drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority and constructed in accordance with the approved scheme, prior to the commencement of development. The approved scheme shall then be implemented and maintained in accordance with approved details.

Reason; To prevent the risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure maintenance of the scheme.

- 66 Prior to the development of each phase, the related Sustainable Drainage Systems (SUDS) shall be laid out, constructed to Oxfordshire County Council's specifications.

Reason - In the interests of highway safety and mitigating flood risk to comply with Government advice contained in the National Planning Policy Framework.

- 67 No development on any phase or parcel at Graven Hill shall commence until a detailed scheme for disposal of surface water, including phased works and maintenance thereof, attenuation and storage and on site balancing arrangements reflecting current best practice for sustainable urban drainage, have been submitted to and approved in writing by the local planning authority. No development shall take place other than in accordance with approved scheme.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site . in order to comply with Government guidance contained within the National Planning Policy Framework.

- 68 The development permitted by this planning permission shall only be carried out in accordance with the approved drainage strategy CIV15119 DR 002 Rev A03, dated November 2013 and the following mitigation measures as stated on the email dated 20 November 2013 from Peter Johnson (Waterman Transport and Development Ltd).

- o Discharge rates limited to 2l/s/ha during a 1 in 1 year storm event and 11l/s/ha during a 1 in 100 year plus climate change storm event.
- o Attenuation provided for up to the 1 in 100 year (plus 30% for climate change) event using swales and ponds.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in order to comply with Government guidance contained within the National Planning Policy Framework.

Historic Environment

- 69 No development shall take place on Graven Hill until the applicant, or their agents or successors in title, has secured the implementation of a programme of recording in accordance with a written scheme which has been submitted to and approved by the Local Planning Authority.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with Government advice contained in the National Planning Policy Framework.

- 70 No development shall be occupied Graven Hill until the programme of recording as set out in condition 69 has been completed and the provision made for publication and dissemination of the results and archive deposition has been secured.

Reason: To secure the proper recording of buildings which are of national significance, forming part of the former Central Ordnance Depot, to comply with Government advice contained in the National Planning Policy Framework.

- 71 Prior to any demolition and the commencement of the development at Graven Hill a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the Graven Hill application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 72 Prior to any demolition on the Graven Hill site and the commencement of the development hereby approved on Graven Hill, and following the approval of the Written Scheme of Investigation referred to in condition 71, a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

Reason - To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with Government guidance contained within the National Planning Policy Framework.

Ecology

- 73 The development of Graven Hill hereby approved shall be carried out strictly in accordance with the mitigation proposals laid out in table 3.3, chapter 3, page 30 of the Environmental Statement set submitted with the application, which was prepared by AMEC dated September 2011.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 74 If the development of Graven Hill hereby approved does not commence within 1 year from the date of this decision, revised species surveys as set out in table 12.3, Chapter 12, Volume 2 of the Environmental Statement shall be undertaken prior to the commencement of the development to establish changes in the presence, abundance and impact on badgers, bats, dormice, great crested newts, reptiles, birds and invertebrates. The survey results, together with any necessary changes to the mitigation plan or method statement shall be submitted to and approved in writing the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 75 Prior to work commencing on Graven Hill, a habitat creation plan, identifying how existing bio diversity on the site will be maintained and a net bio diversity gain will be delivered, shall be submitted to and approved in writing by the Local Planning Authority. The plan shall thereafter be implemented in accordance with the phasing set out in the plan.

Reason To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 76 Prior to the commencement of the development hereby approved at Graven Hill, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure that construction works do not adversely affect biodiversity, shall be submitted to and approved in writing by the Local Planning Authority for each phase of development. Thereafter, the development shall be carried out in accordance with the approved CEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Contamination

- 77 Prior to the commencement of the development on any phase hereby permitted on Graven Hill, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. The report shall identify clearly the phase to which it relates and the relationship to remediation of phases already completed and to those remaining to be undertaken. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 78 If contamination is found by undertaking the work carried out under condition 77, prior to the commencement of the development hereby permitted on Graven Hill, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 79 If remedial works have been identified in condition 78, the development of Graven Hill shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 78. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

1. All historic reports completed as part of condition 70 shall be made publically available through the Local Historic Environment Record and the National Monuments Record.
2. The construction or alteration of any culverting or dam or weir like structure on a watercourse, requires the prior written approval of the Agency under the terms of the Land Drainage Act 1991 or Water Resources Act 1991. The Environment Agency resists culverting on conservation and other grounds and consent for such works will not normally be permitted.
3. Permission is required before removing hedges that are at least 20 metres in length, over 30 years old and containing certain species of plant.
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
5. Attention is drawn to the attached advice for applicants from the Environment Agency
6. Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
7. Please note all the internal vision splays must be dedicated as public highway land to maintain the vision splays for safety reasons.

STATEMENT OF ENGAGEMENT

With regard to the duty set out in paragraphs 186 and 187 of the Framework, it is considered that the duty to be positive and proactive has been discharged through the approval of a sustainable form of development and ongoing dialogue with the applicants during pre-app and throughout the course of the application, in accordance with the guidance set out in the NPPF.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply :

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters :

- The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before considering work on site.**
- Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 0030 200 , fax 0300 0030 201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk
- The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.

- The need to obtain a separate "Listed Building Consent" for the demolition, alteration or extension of any listed building of architectural or historic interest.
- The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000**. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 3

Application 11/01494/OUT	No:	Ward: Launton	Date Valid: 03/10/11
Applicant:	Secretary of State for Defence		
Site Address:	Site C Ploughley Road, Upper Arncliffe & Site D & E Ambrosden Road, MOD Bicester		

Proposal: Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 500sqm, 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) 1000sqm and parking areas; employment floorspace comprising B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas

1. Site Description and Proposal

- 1.1 This application is for outline consent for effectively two proposals on two separate sites, but submitted as one application. The first relates to the redevelopment of Graven Hill, Bicester (sites D & E) for a mixed use scheme comprising employment and residential uses (as specified above). The second relates to the redevelopment of C Site (in Upper Arncliffe) involving the construction of a 70,400 square metre warehouse, titled a 'Fulfilment Centre' by the MoD, outside storage and road/rail transfer area, to contain their logistics functions. This is an outline application with all matters reserved, except access. Various works are proposed to both sites to improve/upgrade existing access points, which will be discussed in more detail in the highway section below.
- 1.2 C Site is located to the west of Arncliffe Hill. It is bound to the north by residential properties off Ploughley Road with Norris Road to the east. Residential properties on Green Lane also bound the eastern edge of the site as part of the Upper Arncliffe settlement, with Murcott Road forming the south eastern boundary of the site. The western boundary is formed by railway lines within the site and agricultural fields adjoining the site. The site is 57ha in total and contains numerous large warehouses, most with road and rail access. Access to the site is off Norris Road. A further access point (currently gated) is to the south off Murcott Road. The main rail access into the site is from the north-west corner and a link to other sites leaves the south-east corner of the site. A further link leaves the site in the north east corner.
- 1.3 Sites D and E, referred to collectively as Graven Hill, comprise an area of 207.23ha. E Site is the closest to Bicester, north west of Graven Hill and measures circa 70 ha, of which 48.6ha is currently within B8 Storage and Distribution use. D site is to the south east of Graven Hill and measures circa 60ha, of which circa 36.8ha is currently in B8 Storage and Distribution use. The sites form a donut shape around

Graven Hill itself. St. David's Barracks, to the south-west of the Hill, is self contained and excluded from this area. The site is currently used as part of the LCS (Logistics, Commodities and Services, formerly known as DSDA (Defence Storage and Distribution Agency)), logistics hub. Under this proposal the LCS operation would be rationalised and moved to C Site.

- 1.4 Graven Hill is bounded to the north east by the A41 Aylesbury Road, the railway line to the west, railway tracks and sidings to the south-west. The southern and eastern boundaries of the site are formed by adjoining agricultural fields with a railway line within the site on both these edges. The site includes the Bicester International Freight Terminal (BIFT) which is in the north of the site along the A41 and in total extends to circa 6ha. There are two main vehicular access points to the site. The main access currently is the roundabout in the north east corner off the A41 Aylesbury Road, the A4421 Neunkirchen/Seelscheid Way and Gravenhill Road North. The ghost island priority junction at the A41/Pioneer Road junction and a further access point to the south off Langford Lane, which in turn leads out to join the A41 to the west, are currently gated for security reasons. Rail access into the site is from the south near the sidings area. The main rail route forms the majority of the northern and western edges of the site. Adjoining uses include Wretchwick Farm to the north east and a sewage treatment works to the north west on the opposite side of the Chiltern railway line. Langford Park Farm adjoins the site to the north west. A stables business and residence is located to the south west of the site at Langford Lane.
- 1.5 Whilst this application is in outline only, indicative plans have been submitted along with, Planning Statement, Draft Heads of terms for s.106, Statement of Community Involvement, Sustainability Appraisal, Plans document, Design and Access Statement, Environmental Statement Volume 1:Non-technical summary, Environmental Statement Volume 2: Main report, Environmental Statement Volume 3: Appendices, Graven Hill & C Site Flood Risk Assessment, Energy Strategy, Transport Assessment (including appendices), Graven Hill & C Site Travel Plan, Graven Hill & C Site Drainage Strategy, Graven Hill & C Site Utilities Strategy and Graven Hill & C Site Tree Surveys. Further addendums to the Environmental Statement have also been submitted, the details of which are outlined in the consultation section below.
- 1.6 There is no relevant planning history associated with these sites.
- 1.7 By way of background, it is important to understand the applicant's (DIO - Defence Infrastructure Organisation) basis for the submission of this application as a 'linked' application, i.e. the determination of the proposals at C Site and Graven Hill as one application. The Operational Efficiency Programme (OEP), published in late 2008, charged the MOD with looking at its storage and distribution function, along with the estate it occupies to determine whether there were any opportunities to release funds back to Her Majesty's Treasury (HMT). The OEP identified the opportunity to rationalise the logistics function at Graven Hill, by withdrawing (in a phased manner) from Graven Hill and to redevelop C Site, using the value of the surplus land to develop a specifically designed, fit for purpose logistics hub.

2. Application Publicity

- 2.1 The application has been advertised by way of a site notice and press notice. Site notices were located at various points along the A41, the A41/Ploughley Road junction, bus stop at Rodney House, on a road sign adjacent to C Site and on a telegraph pole at the Ploughley Road/Green Lane junction. A notice was also posted to the Bicester Link Point. The final date for comment was 17 November 2011. However correspondence received after this date but prior to determination has been taken into consideration.
- 2.2 17 letters/emails of objection have been received from neighbouring residents. The main material planning reasons for objecting are summarised below;
- Impact from 'fulfiment' centre on views, sunlight, noise and disturbance from increased activity on occupants of 3 Norris Road, Upper Arncott.
 - Noisy and unsociable building (C site)
 - Adverse impact from flood lighting
 - Concerns about flooding, skylines and air quality
 - Accessibility of the application – the application is deliberately long winded
 - Concerned about MoD's stance to withdraw from Bicester if plans rejected
 - Access around C site was supposed to be for emergency access only.
 - Question the need for additional housing
 - Question the need for more warehouse space when many of the buildings on C site are let out to private companies and many others are empty.
 - If this application is implemented, C Site will be built before Graven Hill is sold. Construction was meant to depend on the sale of Graven Hill.
 - Congestion and trucks queuing at the entrance to C Site.
 - Application lacks any detail regarding road improvements in the actual villages
 - Application does not demonstrate how security will be maintained around the rail line or barrack area around Graven Hill. Does not mention whether the use of the rail line will be for main line or internal freight use.
 - Lack of detail regarding the proposed bund at C site.
 - Air quality will be affected at Arncott.
 - C site will put additional pressure on the River Ray.
 - There will be no visual gain for the village for 10-15 years until the landscaping matures.
 - Development will impact views from properties on Norris Road, particularly 3A Norris Road.
 - Structure will dominate the entrance to the village.
 - Development could increase our unemployment figures rather than reducing them.
 - There must be a mandatory HGV route via Palmer Avenue, with weight restrictions placed on Ploughley Road through Ambrosden and Arncott, Murcott Road, and Norris Road.
 - Both villages would also gain greatly from a blanket 20 mph speed limit.
 - The site entrance and its environs, especially the area opposite, should be brought up to an acceptable standard.
 - A proper footpath enabling pedestrians to walk along one side of Ploughley Road and Norris Road, with a safe full width path across the level crossing, should also be part of the plan.

- Sufficient housing is provided by the SW extension (Kingsmere) and Eco Town to satisfy demand for a considerable period.
- Further provision will damage the values of existing stock and the viability of consented schemes.
- Granting consent for this development will realise the relief road.
- Insufficient mitigation to accommodate increased demands
- No mention of rail links and any potential upgrading of railways sidings
- Can the operations not be based at Graven Hill and the housing at Arncott?

1 letter of support has been received. The main points are summarised below:

- Great opportunity to stream line the logistics supply chain for the MOD, securing a number of jobs for the local community and increasing the likelihood of visitors to the area.

Terrance O'Rourke Ltd have written on behalf of Countryside Properties (Bicester) Ltd to object to the proposal and in summary, raise the following points;

- The proposals are extremely premature and could seriously undermine the emerging spatial strategy for Bicester
- This prematurity would have significant implications for the delivery of the existing strategic development sites at Kingsmere and North West Bicester.
- Incorrect to seek to justify the release of Graven Hill on the basis that the saved policies do not include provisions for the growth of Bicester.
- The proposal needs to be backed up by a clear and robust evidence base, including viability case.
- The applicant has failed to provide any compelling reasons why either the adopted planning policies or the emerging spatial strategy should be set aside.
- Infrastructure requirements of the development have not been considered at a strategic level.

3. Consultations

The consultation responses in relation to the originally submitted proposal are summarised below, the full versions can be found on the council's website.

3.1 **Bicester Town Council** objects to the proposal. Their objections are summarised below;

- The 1900 homes planned are over and above the approx. 7500 homes already accepted and in the planning process for the town. The town cannot keep growing at this rate.
- Increased traffic flow has not been adequately addressed in the application.
- Employment figures are not robust enough to support the application & questions the number of jobs created in the claim.
- Visual impact of large 'Fulfilment Centre' on the surrounding area.
- Concerned that a full Environmental Impact Study has not been carried out.
- Any development must support and enhance Bicester's status as an Eco Town.

3.2 **Chesterton Parish Council** are of the opinion that the application offers the

opportunity to review the NW Bicester location and consider this brownfield site as an alternative.

- 3.3 **Merton Parish Council** does not object to the proposal, but offers the following comments:

Extra HGV Traffic particularly in Arncott as operations move from GH (present freight point). Whilst there is a MOD HGV circuit from A41 via B 4011 (Thame rd) and then down Palmer Avenue to the main C site entrance just past The Plough, this will be more heavily loaded and there will be an increased risk of HGV cutting the corner from A34 (By mistake! or Sat Nav guidance) via Islip, Merton & Ambrosden.

- 3.4 **Wendlebury Parish Council** object to the application, and in summary, raises the following points:

- Adequate housing provision for Bicester already achieved
- Transport mitigation measures are insufficient
- Increase in HGV movements will be potentially detrimental to village
- Will detrimentally affect rural local residential areas
- The link road will have a detrimental environmental impact
- Pollution creation
- Adverse landscape impact
- Scheme extends beyond existing and planned areas of Bicester town and is incompatible with the rural location
- Historic environment enhanced by our archaeological heritage with Alchester town links across fields surrounding Wendlebury will be damaged and compromised.

- 3.5 **Ambrosden Parish Council** objects to the proposal. No further comments received.

- 3.6 **Arncott Parish Council** object to the proposal, and comment (in summary) as follows:

- Floodlighting, noise pollution and traffic flow will impact those living adjacent to the site. The fulfilment Centre will have an overbearing impact; will affect the amenity and street scene whilst generating clearly audible noise during silent hours: 2300 to 0600 hrs.
- What will be the impact for the residents of Arncott in terms of vehicle or train movements?
- Insufficient detail in relation to traffic movements, particularly if there is an 'operational ramp up'
- Not enough thought given to HGV routing and consequential highway safety
- The fulfilment Centre building size and location in relation to the properties in Green Lane and Norris Road.
- The noise and light pollution caused by a 24/7 operation.
- The effect of this pollution on properties at the Northern end of Ploughley Road, particularly Brook Farm, and potentially parts of Ambrosden, that will not be shielded from the building.
- Flooding - the worst case water runoff from a hard area this size must be fully understood and catered for: not just as a once in a lifetime chance

calculation.

- Traffic: there must be a weight restriction through Arncott and Ambrosden forcing all HGVs (except buses etc) to use the designated route via Palmer Avenue only. We would also like to see a 20 mph speed limit introduced in both villages as a disincentive to both MoD and 'rat run' traffic using Ploughley Road and Murcott Road.
- A much greater provision for improving the appearance of the site, particularly opposite the main entrance, the site of the old railway workshop and a decent footpath along both sides Norris Road and Ploughley Road.
- The level crossing by the site entrance must be improved so that pedestrians do not have to cross the road at the level crossing or have vehicles within inches of an individual.

3.7 **The Council's Head of Strategic Planning and the Economy** and in summary, comments as follows:

C Site – Arncott

- In broad policy terms the principle of the development is considered to accord with the content of the National Planning Policy Framework (NPPF) with regards to proactively driving and supporting sustainable economic development (in terms of the job retention and job creation proposed),
- In relation to landscape, highway and neighbour impact issues, specialist consultee input is being sought.

D & E Sites - Graven Hill

Principle of Development:

- In terms of the principle of development, the application represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996) and the South East Plan since it is not yet formally allocated for development.
- Redevelopment at Graven Hill is allocated in the Proposed Submission Local Plan¹ and forms a key element of the draft Bicester Masterplan SPD. Given the stage of preparation of the Local Plan, this proposed allocation can be given limited weight in the decision making process though it demonstrates the emerging acceptability of the principle of the site's release in planning policy terms.
- The South East Plan currently represents the most up to date development plan policies. In very general terms the principle of the proposal complies with the spatial policies of the South East Plan (Policy SP3: Urban Focus and Urban Renaissance) in that the focus for development should be in urban areas in order to maximise accessibility, and also that at least 60% of all new development should be on previously developed land (the site is predominantly previously developed).
- In terms of material considerations, the Non Statutory Cherwell Local

¹ Proposed Submission Draft Local Plan approved for consultation by CDC's Executive on 28 May 2012

Plan 2011 remains a valid consideration. The Proposed Submission Local Plan 2012, the Council's latest expression of emerging policy, has limited weight but is an important consideration in the process given its specific content on Graven Hill, and is discussed in more detail over the following pages. The National Planning Policy Framework (NPPF) is also a material consideration.

- The NPPF sets out a generally 'pro growth' approach to decision taking. The NPPF's 'presumption in favour of sustainable development' is defined in para 14 as meaning, in decision taking terms, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where specific policies in the NPPF indicate development should be restricted.

Housing

- Housing Supply

- The site is not allocated for development in the 1996 Adopted Cherwell Local Plan. Presently the Council cannot demonstrate a five year housing land supply, therefore the housing policies in the 1996 Local Plan are rendered out of date, and the guidance of the NPPF takes precedence².
- The Proposed Submission Local Plan 2012 (PSLP) however sets out a new strategy and vision for the district to 2031, with the allocation of a mixed use redevelopment at Graven Hill a key part of the development strategy. The housing trajectory projects 1900 dwellings to be delivered at the site with a proposed minimum of 50 dwellings 2014/15, 100 dwellings in 2015/16 and 100 in 2016/17, and, from 2017/18, 150 dwellings per year until 2027/28.

- Affordable Housing

- The Proposed Submission Local Plan 2012 (PSLP), supported by a recent viability study, contains a requirement of 30% on sites suitable for 10 or more dwellings in Bicester.
- Only 380 of the 1900 homes proposed in the application would be affordable (20%) although there are references to 'up to 30%' in supporting documents. This would be insufficient to meet local policy requirements of 30% without clear evidence that the development would not be viable with a 30% requirement. Liaison with the Strategic Housing Team is required to determine an appropriate tenure mix for this particular proposal.
- Also in consultation with that team, consideration should also be given to the need for extra care housing and the opportunities for self build

² Note: A review of housing land supply will be presented to the Council's Executive shortly, to reflect the new housing trajectory in the Proposed Submission Local Plan 2012 (which includes development at the Graven Hill site) and the new housing land supply guidance of the NPPF.

affordable housing as set out in PSLP policies BSC3: Affordable Housing, BSC4: Housing Mix and Bicester 2: Graven Hill.

- Housing Mix

- An assessment of the type and size of housing needed in Cherwell informs the Proposed Submission Local Plan 2012 (PSLP) Policy BSC4: Housing Mix. Although at this stage the policies carry limited weight, they do set out the size and type of housing expected to be required to meet the needs of Cherwell's future population. It is noted that the proposed mix of market housing differs significantly from that envisaged in the policy. The proposal is for 10% 2 bed' flats and houses compared to the policy's 30%, and for 85% 3, 4 & 5 bed' homes compared to the policy's 45% (excluding extra care housing).
- Given the heavy reliance on the provision of medium and larger homes and the need to provide an appropriate mix of housing that helps meet diverse requirements and helps with improving affordability, consideration should be given as to how a range of housing closer to that in the PSLP can be achieved.

Employment

- The allocation of the site in the Proposed Submission Local Plan 2012 (PSLP) requires the provision of high quality job opportunities through mixed employment uses, with a focus on creating a more knowledge based economy in Bicester specifically, yet the development proposes a reliance on B8 use.
- Information should be provided as to how the proposed development would contribute to the development of a coherent economic strategy for Bicester and complement other planned employment to seek to change the image of the town, in line with the Eco Bicester – One Shared Vision document and the Council's Economic Development Strategy (and, now, in accordance with the Proposed Submission Local Plan 2012).
- The application contains no details with regards to the focus on a low carbon economy for Bicester. Sustainable transport connections (including the use of rail freight) are a key part of the low carbon economy so there is potential for the site to enable low carbon economic development, but, again, there are no firm commitments to the use of rail infrastructure in the application.
- The employment density multipliers used appear to correlate broadly with recent HCA guidance on employment densities, but some of the calculations seem unclear. For example if a density of 1 job per 36sqm is used for B1b, B1c and B2 uses (22,920sqm in total), as set out in the DAS, this should equate to 636 jobs rather than the 770 jobs stated in the DAS & the Planning Statement. It would be helpful to set out clearly the calculations on the multipliers used to justify indirect/direct jobs, home working, the split between full time/part time jobs etc to enable the proposed economic impacts to be fully understood.

Local Centre and Retail

- The Proposed Submission Local Plan 2012 (PSLP) Policy SLE2: Securing Dynamic Town Centres is clear that the Council does not support out of town office and retail development outside of the district's town centres. The provision of new local centres within proposed allocated sites is supported but the grocery store proposed in the application appears to be of a different scale to local centre provision and is in addition to local centre facilities.
- The Council's 2010 Retail Study identifies that there is no additional capacity for convenience retail in Bicester on top of that approved as part of the Bicester town centre expansion.

Transport and Accessibility

- In strategic terms, the key requirements of the Proposed Submission Local Plan 2012 (PSLP) on Graven Hill (Policy Bicester 2: Graven Hill, and SLE4: Improved Transport and Connections) are use of the rail tracks on site to serve commercial logistics and distribution and development of an expanded rail freight interchange; maximisation of transport connectivity and non car accessibility in and around the site; contribution to capacity improvements to the surrounding road networks; and significant sustainable access provision. Each of these elements should be provided for in the proposal.
- The DAS highlights that the rail line could be retained to 'potentially' serve the commercial warehouse functions, with the detail to be determined at Reserved Matters stage. The applicants should be aware that the delivery of rail linked warehousing is a key element of the allocation of the site for development in the PSLP as indeed is the retention and use of this spur line off the Bicester – Oxford line in its entirety. The future use of this rail spur is a key element affected by this proposal and should form part of the outline application.
- The delivery of a new relief road for south east Bicester is also a key aim of the PSLP, enabling traffic to bypass the Bicester Village roundabout to access the A41. Policy Bicester 2: Graven Hill requires that the development will provide a peripheral road within the site to function as the relief road, whilst also contribute to the funding of the relief road beyond the site.

Open Space

- The amount of amenity open space and children's playspace to be provided exceeds what would normally be required under the policy, though the level of playing pitch provision proposed is less than what would be expected (5.87ha compared to 7.7-8.3ha required by the policy).
- The level of children's playspace provision proposed as part of the application meets the requirements of policy R8 but the outdoor sports provision is below what would normally be required.
- The Proposed Submission Local Plan 2012 (PSLP) Policy BSC11 (Local Standards of Provision – Outdoor Recreation) sets out updated local

standards of provision for general greenspace, playspace, outdoor sports provision and allotments. The amount of open space proposed in the application exceeds the standards set out in this policy.

- Whilst the level of outdoor sports provision is below what would be expected under the 1996 Cherwell Local Plan it does meet the PSLP 2012 standards. The amount of open space provision is therefore considered to meet policy requirements in quantity terms. There is however some concern that the accessibility standards are not met – i.e. not all the proposed residential areas lie within the PSLP's recommended walking distances for play space, or allotments.
- There is also no mention of cemetery provision in the proposed Heads of Terms. Policy Bicester 9: Burial Site in Bicester in the PSLP requires developer contributions from new development in Bicester towards the establishment of a new cemetery facility although at the current time the PSLP envisages the cemetery site itself to be provided at the North West Bicester development.
- Level of Green Infrastructure (GI) to be provided (98.4ha, equating to 47% of the total site area) is comparable to the level of GI provision expected of eco-developments, accords with PSLP policy ESD18: Green Infrastructure, and is to be welcomed. The provision of green infrastructure is a fundamental component of the PSLP's vision for Bicester to 2031.

Biodiversity

- The woodland is a Local Wildlife Site (LWS) and contains ancient woodland and a number of protected species and habitats of value. In order to comply with Adopted Cherwell Local Plan policies C1 and C2, Non-Statutory Cherwell Local Plan policies EN22, EN24 and EN25, the NPPF and PSLP policies it is important that the right balance is struck to ensure that increased public access to woodland is not detrimental to those features of value.
- Para 12.7.10 of the Planning Statement indicates that the recreational use of the LWS and the surrounding habitats will be managed through the implementation of an integrated recreation and habitat management plan. It is noted that this management plan does not currently form part of the application and therefore must form part of subsequent Reserved Matters applications. Arrangements for long term management will be key to ensuring compliance with the policy.

Sustainable Construction

- There are no firm commitments to this in the application documentation although land is proposed to be safeguarded for two potential energy centres, and it is not clear therefore whether this policy is met.
- The sustainability policies (ESD1 – 5) in the Proposed Submission Local Plan 2012 (PSLP) require Code for Sustainable Homes (CSH) Level 4 (for all aspects of the Code – not just the energy elements) on all residential developments (the Council's One Shared Vision document seeks CSH Level 5); BREEAM 'Very Good' for all non residential

developments; a feasibility assessment for district heating for developments of 400 dwellings or above 1000 sqm (where the assessment demonstrates that district heating is deliverable, this will be required as part of the development); and a feasibility assessment for the potential of significant on site renewable energy provision for developments of 400 dwellings or above 1000 sqm (again, where the assessment demonstrates that renewable energy is deliverable, this will be required as part of the development).

- The DAS refers to CSH Level 4 but the applicants should be aware that the proposed policy relates to the achievement of Code levels as a whole, not only the energy element.
- This Council also seeks the achievement of wider sustainability standards.
- No sustainability standards for the non residential buildings are referenced in the Energy Strategy.
- Potential links to the Energy from Waste plant at Ardley are mentioned but not discussed in any detail and this is a missed opportunity.
- Overall, the Energy Strategy is not sufficiently detailed to meet the aims of the PSLP policies on sustainability.

Design and Conservation

- Whilst the application is in outline only, there needs to be agreement on a single masterplan for the whole development to ensure that the development takes place in an integrated, coordinated and planned way, including in the funding and delivery of infrastructure, and that development integrates with and complements the urban form and function of Bicester and enables connectivity between new and existing communities.

Landscape and Visual Impacts

- PSLP Policy ESD16: The Character of the Built Environment sets out a district wide policy on development design. In terms of concerns over the detail of the documentation submitted with the application, the visual impact work does not show any visual effects for nearby villages including effects for Chesterton, Merton, Blackthorn and Wendlebury.
- The extent of the visual impact on these villages should be made clear. Secondly, the Environmental Statement does not consider if St David's Barracks would have an adverse visual or functional effect on the residents of the new properties proposed at Graven Hill.

Flood Risk and Drainage

- The site is within flood zone 1 apart from a very small part in the north west where there is proposed to be no residential development.

Conclusion

The proposal for the redevelopment of Graven Hill broadly accords with the new

proposed development strategy for the district and for Bicester specifically, although, as this response highlights, issues of strategic significance need to be resolved. These include maximising the opportunities presented by the existing rail links and the contribution the site makes to a 'low carbon', knowledge based and high value economy for Bicester; adequately mitigating adverse landscape, visual and heritage impacts; achieving a net gain in biodiversity, ensuring the development adequately mitigates and adapts to climate change; and, ultimately, delivering the benefits for the town envisaged in the Proposed Submission Local Plan. Such considerations include maximising accessibility connections and permeability between Bicester and the development site as highlighted in the draft Bicester Masterplan SPD, and securing the South East Bicester relief road.

3.8 The **Council's Design and Conservation Team Leader** has made the following comments (in summary);

In relation to C Site

- In terms of direct impact on heritage assets within C site, the initial findings of Roger Thomas of EH are that there are two groups of Bolero buildings of interest (C30 and C31) but these are not directly affected by the proposed development and will remain.
- the proposed mitigation measures as well as the building itself will have an impact on the character of the wider landscape
- Viewpoint 12 illustrates that it is not only the height of the proposed building that will be of significance but also its sheer unrelieved scale and constant flat horizon, which could have a looming presence behind domestic properties, listed and unlisted, of more intimate scale.
- I cannot agree that there will be no significant effect on the setting of Miropa, 16 Green Lane or on Arcnott Methodist Chapel.
- Given the scale of the building, its proximity to existing properties and the potential visual impact, I consider further information is required both on the intended appearance of the building, how its mass might be broken down and how its visual impact is intended to be mitigated from all directions of view, to enable a proper assessment of the visual impact of a building of this volume.

In relation to Graven Hill

- The significance of Second World War heritage is only now being researched and documented fully. We encouraged English Heritage to bring forward its assessment of the relative significance of the former military buildings on the site as part of its Heritage Protection Review.
- In my view setting has been too tightly defined and therefore impacts not properly assessed.
- In principle I consider that this site has the potential to make a positive contribution to the growth of Bicester:
- How footpath access would be achieved over the retained rail line to Ambrosden needs to be considered. Pedestrian movement within the site

appears to be satisfactory, but this is insufficient in isolation.

- I had asked that visualisations should test the impact of development-creep up the sides of Graven Hill but I cannot see reference to this in the submission. The night time effects will also need to be assessed. It appears to be proposed that the existing employment areas will remain but this is far from clear as there is also reference to these being replaced over time. I cannot see an assessment of the visual effects of the employment buildings.
- It seems likely that one at the entrance will be dominated by parking for the grocery store.
- Reference is included to the use of solar thermal on roof slopes but it is not clear how this will integrate with the use of traditional materials that is suggested. Roof pitches will need to be orientated to maximise south facing slopes so it would be useful to understand how this will be dealt with vis a vis local distinctiveness. Character areas are indicated but it is not clear other than in terms of location and land use how they will differ in character from each other.

Further comments have also been provided by the **Council's Design and Conservation Officer**, with specific regard to heritage matters and are summarised below:

- Full and proper assessments including setting, context and significance analysis should be submitted for the affected heritage assets, with the setting drawn more appropriately this time. This is required under NPPF s.128.
- Full justification in line with the NPPF s.132, 133, 134 and 135 should be given for EACH heritage asset to be lost, designated or otherwise. It should outline the reasons why the building cannot be retained and reused. A condition survey should be submitted if building condition is thought to be in too poor a condition to be saved, and an explanation of why the building has not been maintained by the current owners.
- I would strongly urge that a design code is sought to place restrictions on height (including graduation across the site), scale, massing, basic layout etc to enable developers to mitigate the impact on the historic environment.

3.9 The **Council's Landscape Planning Officer** has made the following comments (in summary):

In relation to D&E site (Graven Hill)

- Disappointed with the consideration of landscape within the D&A statement. No information about a landscape strategy for creating different character areas in which the housing and industrial activity sits. The site contains a substantial amount of existing woodland but this is not analysed and the findings used to inform landscape character at a local level.
- Longer distance views are of the wooded part of Graven Hill which will remain undeveloped. Closer views of the proposed development will be of a developed landscape. However, I don't feel that there will be a significant impact on the landscape. The pattern of development will be altered but should appear more cohesive.

- Early perimeter planting will help mitigate localised effects of the development over time and should, if planted upfront, screen the development by the time it is completed.
- In principle I cannot see any substantial negative landscape impacts from this development, although I would like to see a decent landscape strategy produced for all aspects of the site.

In relation to C Site

- This is a very, very large building. It is tall, deep, long and will form a very solid mass in the landscape. No detail of the design has been provided.
- The existing sheds are quite dominant from some viewpoints and they are relatively small compared with this 'super-shed' It is also sited roughly parallel with the boundaries unlike the sheds which it replaces which are at varying angles, thereby varying the impact from any one point. The MOD clearly recognise that this is a very large structure as they have proposed to both sink the building and build bunds round it.
- While there are obviously buildings in this landscape at present, replacing 5 large buildings with one enormous one is not in my opinion appropriate on this site.

- 3.10 **Oxfordshire Country Council** has provided a comprehensive response relating to all aspects under the County Council's jurisdiction. In summary, the County Council **SUPPORTS** these proposals. However, this is subject to further clarification being provided, in particular how the viability issues can be collectively addressed. More detailed comments in relation to highways are provided in the highways section below.

The full response is attached to this report as appendix A.

- 3.11 **The Council's Strategic Housing Officer** states that the draft SPD for Planning Obligations states that in areas outside of Bicester, Banbury and Kidlington 35% of new housing development on sites of over 3 units will be affordable. However as this scheme is likely to be more urban in nature and sales values are likely be more akin to Bicester developments, the Council will be prepared to accept a 30% contribution. Of these the standard tenure mix is 70% for rent and 30% for shared ownership. We would therefore be seeking a contribution of 570 units based on the following size mix which has been established from the standard size mix matrix modified by reference to the housing register.

All properties will meet the HCA design and quality standards and lifetime homes standards and secured by design standards. Properties should be designed to be 'tenure blind' and will be well integrated with the rest of the development in clusters of no more than 10 units and with rent and shared ownership mixed within the clusters.

Properties will need to be transferred to an approved provider with a local management presence in the District.

3.12 The **Council's Ecologist** has commented (in summary) as follows:

- The delivery of a holistic mitigation/enhancement strategy across the whole site is fundamental to avoiding a net loss of biodiversity from the scheme, and thus maintaining compliance with PPS9, local plan policy and EU protected species legislation.
- It cannot confidently be said that the necessary licences for some or all of the European protected species affected by the current application would be granted by Natural England.
- Further information in the form of a detailed Habitat Creation and Management Plan is needed, including a statement detailing how the three derogation tests are likely to be met, prior to determination.
- A Construction Environment Management Plan should also be produced, detailing all the measures to take place before and during construction to ensure the development complies with UK & European protected species legislation.
- Should the current application be approved, many of the biodiversity measures recommended in Table 3.3 of the ES can be covered by ensuring that the following documents are approved by the Council prior to the commencement of any development on site, and that works proceed in accordance with the approved version:
 - a Construction Environment Management Plan
 - a Habitat Creation & Management Plan

3.13 **The County Council as the Lead Flood Authority and SUDs Adoption Body** – Detailed comments are provided within the County Council's full response, at **Appendix A.**

Network Rail raises no objection in principle, but has commented on the application as follows (in summary):

- Application lays more emphasis on the proposed bus service without recognising the value of the Bicester Town railway station.
- Under the Chiltern Railway Evergreen III "Bi-Ox" scheme Bicester Town will gain hugely improved rail service frequencies yet the application seems to ignore this fact, Network Rail regard this omission as odd.
- Concerns that as a result of siting the residential housing closer to Bicester, any freight activity serving the warehousing zones will pass by the housing with resultant noise implications particularly if as a result of Evergreen III rail access is at times different to the current early afternoon service.

3.14 **The Environment Agency** raises no objections but only if the suggested planning conditions are imposed and implemented appropriately.

3.15 **Thames Water** makes the following comments;

C Site -

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.

- No objection with regard to water supply infrastructure.

Graven Hill

- Inability of the existing waste water infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.
- Inability of the existing water supply infrastructure to accommodate the needs of the application. However this can be resolved by the inclusion of a planning condition.

3.16 **Natural England** raises no objection to the proposal, subject to the inclusion of conditions. They also make the following comments (in summary)

- Landscape and visual impacts are a matter for the LPA to consider. However, the photomontages do not make it especially clear what the visual impacts of the development will be. Recommend that LPA request wireframes and pictures of how the development will appear in the landscape.
- Detailed conditions should be imposed in relation to each protected species identified.
- Recommend LPA review literature relating to Green Infrastructure provision
- LPA should consult BBOWT in relation to County Wildlife Sites.
- Potential to affect Ancient Woodland – LPA should refer to Standing Advice on ancient woodland.
- Developers must obtain permission to remove certain hedgerows.
- More consideration should be given to biodiversity enhancements.

3.17 **Berks, Bucks & Oxon Wildlife Trust (BBOWT)** has made the following comments (in summary)

- The Trust does not object in principle to the application. I generally have few concerns regarding the surveys undertaken, baseline data gathered and the conclusions of the ecological impact assessment given in the Biodiversity chapter.
- A decision has been made on whether the conservation status of identified potential ecological receptors would be compromised based on 'professional judgement drawing on the results of the assessment' and significant effects on a number of ecological features are dismissed through a 'high level scoping assessment'. Whilst all impact assessments are inherently not objective, I think that the lack of a geographic frame of reference makes this approach too arbitrary.
- However, I think the decisions arrived at are generally acceptable, although the approach results in a brief concluding section to the assessment with no clear consideration of residual impacts.
- It is stated in error that the wood is currently managed by BBOWT and that the future baseline in the 'do nothing' scenario is that the LWS will continue to be managed by BBOWT and remain in a similar condition. This is not the case, and I can only assume that the confusion has arisen from the non-statutory designation.
- The measures proposed to mitigate the effects of human disturbance on the

site such as instructions to remain on designated paths, keep dogs on leads, and also leaflet drops regarding pet cats and wildlife are unlikely to be very effective and will be very difficult to enforce. Furthermore, it is not stated how public access to the southern half of the wood could be restricted and enforced. Short of an impenetrable security fence bisecting the LWS (which would bring its own difficulties and impacts), it is not clear how this could be achieved or policed.

- Some degradation of the ecological value of the LWS is inevitable given its presently undisturbed nature and the magnitude of the proposed development, and that attempts to improve habitat connectivity beyond the site will not have any significant beneficial effect.
- In order to at least minimise adverse residual impacts, it is of paramount importance that these habitat creation and management ideas are submitted in detail with explanation of a suitable delivery mechanism to ensure that they can be achieved. This should be appended to a S106 agreement for any permission granted.
- An on-going management plan should be written in sufficient detail to allow it to be accurately costed and appended to the S106 agreement so that any developer is clear of the requirements and commitment to biodiversity enhancement measures obliged within the scheme.
- I would consider the existing newt population to be an important ecological resource of at least district wildlife value, as it is another notable example of the species apparently successfully exploiting a particular landscape niche that is specific to the district, and several similar sites are also under consideration for significant future land use changes.
- The applicant proposes to devise a suitable mitigation strategy in agreement with Natural England in advance of any works commencing. I would recommend that such a strategy is rigorous in its scope and assessment of potential future impacts on the relocated viviparous lizards and grass snakes. If it is still considered a real possibility that reptiles relocated within the development will fail to survive in the long term, then very serious consideration should be given to relocating the populations to a more suitable off-site location.
- I would recommend that a more detailed habitat creation plan should be submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan. The latter should ideally contain information regarding on-going annual habitat management work plans, an appropriate ecological monitoring schedule, details of a biodiversity steering group and review process, and fairly accurate costings to achieve these aims. This document should be appended to a S106 legal agreement.
- Should the application be granted consent, BBOWT would support all of the biodiversity-related planning conditions proposed in Table 3.3 of Chapter 3 of the ES. In addition, I would recommend that the following documents are finalised and approved by the Council prior to commencement of any development work on the site:
 - a Construction Environment Management Plan
 - a Habitat Creation Plan
 - a Habitat Management Plan

3.18 **CPRE** has made the following comments (in summary)

- The proposal falls outside of the 12,751 new household target for CDC for the period 2006-26.
- Bicester already has committed development in the form of the Eco town, SW Bicester, Gavray Drive and Talisman Road sites.
- Disagree with the stance that the Draft Core Strategy will carry less weight in light of the NPPF.
- There is no case for a further site around Bicester. Although the site is technically brownfield, it is outside the built up area of the town.
- It would be preferable to bring forward the infrastructure to support the already committed sites.
- It may be that this application has merit for the period beyond 2026, although remain to be convinced how the development would adequately meet the eco standards to which the vision of 'Eco Bicester' aspires.

3.19 Highways Agency directs that conditions should be attached to any planning permission which may be granted;

- No development shall be occupied unless and until a programme of highway improvements works has been fully implemented at M40 junction 9 under the auspices of the pinch point funding programme.

3.20 Sport England raises no objection, subject to the completion of a S106 agreement. They have also made the following comments (in summary)

- Satisfied that the quantum of playing pitch provision is in accordance with Draft Core Strategy policy and welcomes level of provision proposed.
- 5.78ha of playing pitch provision should be secured by S106 agreement and be constructed in accordance with Sport England Guidance.
- Seeks more detail on how the development contributes towards built sports facilities made necessary by the development, as it is noted that this is excluded from the draft Head of Terms

3.21 English Heritage has made the following comments (in summary)

English Heritage have recommend that the hanger, associated air raid shelters at Graven Hill and the 'Bolero' group of Romney and Iris huts, C30 and C31 at C Site should not be listed. The Secretary of State for Culture, Media and Sport concurs.

3.22 The Council's Anti-Social Behaviour Manager has made the following comments (in summary):

- I can confirm that the methodology used to carry out the noise appraisal has used the appropriate British Standard techniques to acquire and predict existing and future noise levels.
- A number of issues to be addressed at the Reserved Matters stage of the application have been identified. These include details of acoustic glazing to dwellings that may fall within NECs B and C and the orientation of dwellings

to provide an acceptable external living environment.

3.23 **The Council's Arboriculturalist** has not commented on the proposal.

3.24 **Thames Valley Police** have made the following comments (in summary):

- design the public car parks and parking squares to the principles of the Park Mark Safer Parking Award
- encouraged to see that there are relatively few rear parking courtyards
- Where rear parking courtyards are absolutely necessary they should be protected by a gate and where rear gardens abut the parking area an appropriate boundary treatment should be used. The local Crime Prevention Design Advisor should be consulted to advice on suitable boundary treatments.
- Secured by design recommends that all street lighting for adopted and private highways, footpaths and car parks must comply with BS 5489-1:2003.
- The affordable housing allocation for this development will be expected to achieve the Secured by Design Award but it is important that the security of the privately owned homes is not compromised by poor quality doors and windows.

Encourage the developers to consult with the local Crime Prevention Design Advisor prior to the submission of any reserved matters applications.

3.25 **Design Council (CABE)** – Due to limited resources, unable to comment.

3.26 **Environmental Statement - Addendum**

On the 30th December 2011, the Council issued a Regulation 22 request in relation to the Environmental Statement, pursuant to the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). DIO provided an **Addendum to the Environmental Statement** dated April 2012.

The Addendum was advertised by way of press notice and site notices for a period of 21 days.

Three further letters of objection were received in relation to the re-consultation. No additional material planning considerations were raised.

3.27 The following summarised consultation responses were received in relation to the ES Addendum dated April 2012:

3.28

Arncott, Merton, Wendlebury, Chesterton and Ambrosden Parish Councils and Bicester Town Council – No comments received.

3.29 **Oxfordshire County Council consultees**

Highways - In general, the issues that were raised in November last year remain unresolved in terms of traffic modelling and the underpass route.

3.30 **Cherwell District Council consultees**

3.31 **The Council's Anti Social Behaviour Manager (ASBM)** in relation to the noise and vibration section of the ES Addendum, has commented (in summary) as follows:

- In general terms the methods used to predict construction noise levels accord with recognised good practice in that BS 5228:1990 is the most commonly used tool for predicting and assessing construction site noise.
- In order to be certain that the barrier will perform as claimed the full calculations for its performance should be presented. These comments apply equally to the use of temporary acoustic barriers to protect noise sensitive locations prior to the creation of the bunds.
- With regard to construction traffic noise the methods used are appropriate and although the impacts predicted are low in objective terms I would anticipate the effects being noticeable to members of the community.

Subsequent to this response, AMEC (DIO's consultant) provided further clarification in support of the noise assessment carried out. Consequently, the ASBM stated the following:

- I have discussed my observations in respect of the noise assessment submitted in support of an outline planning application for the redevelopment of the above site with Amecs' consultant Mr George Gibbs.
- In respect of my observations in relation to proposed dwellings and in particular those that may be subject to environmental noise that would place them within Noise Exposure Category C as defined by the former PPG 24, Mr Gibbs pointed me towards section 8.12 of the ES. Table 8.19 sets out how, using a suitable combination of glazing elements, good or reasonable, levels of internal noise can be achieved.
- The good and reasonable are terms derived from BS 8233. The outstanding point for debate is which is the appropriate level to set for this development. Beyond this point I can confirm that the ES addresses my concerns in respect of recognising that some of the proposed dwellings fell within NEC C and providing a credible means of achieving at least a reasonable internal noise environment at these properties.
- My concerns in relation to the external noise environment are addressed through paragraphs 8.12.31 - 8.12.33. In this text it is recognised that good design and the reserved matters stage of the process should be employed to maximise the opportunities that the layout of a residential site can give in achieving acceptable external noise levels.
- I am content that my concern in this respect has been addressed.
- With regard to the sound attenuation being offered by the bund to be created between the proposed warehouse and Norris Road and Green Lane Arncott I note that no sound attenuation characteristics are being attributed to the bund during the site preparation and demolition phase of the project. As a

consequence the predicted impacts on the nearest noise sensitive receptors are high during that phase of the scheme.

- The attenuation being claimed for the bund once constructed and therefore the affect the bund will have during the construction phase of the warehouse is between 0 and -15 dB depending on the receiving position. This is not an unrealistic claim for a feature of the size and position of this bund. I am therefore content that its effect has been predicted in a reasonable manner.

3.32 **The Council's Landscape Officer** in relation to the landscape and visual effects section of the ES Addendum, has commented (in summary) as follows:

In relation to C Site (Arncott)

- More, smaller buildings create less impact than one large one due to fractured visual appearance of separate blocks. This can be seen by looking at figures 5 and 8 of the photomontages. A 26.5% increase in area is not insignificant.
- Mounding locations are clarified. I was using the Water Tower as a height comparison. I agree that the existing buildings are prominent in the landscape and the new one will be more so due to its solid nature.

In relation to Graven Hill

- No change to the built form since the original submission so my comments remain the same. The buildings visible from point 5 are in my view too high for a semi-rural periphery.

3.33 **The Council's Environmental Protection Officer** in relation to the air quality section of the ES Addendum, has commented (in summary) as follows:

- The conclusions within the AMC addendum are acceptable with regard to local air quality management from traffic emissions and dust relating to the construction and demolition phase.

3.34 **Other consultees**

3.35 **English Heritage, Natural England, Network Rail and the Environment Agency** – No comments received.

3.36 **Secretary of State** – No comments received.

3.37 **Environmental Statement – Further Addendum**

DIO provided further information pursuant to the Environmental Statement, comprising two technical notes; 'Redevelopment of MOD Bicester: Historic Environment' and 'Redevelopment of MOD Bicester – Graven Hill Walking and Cycling Access Strategy (v2)'

The additional Addendum was advertised by way of press notice and site notices for a period of 21 days.

No further representations were received.

The following summarised consultation responses were received in relation to the two technical notes stated above:

- 3.38 **Arncott, Merton, Wendlebury, Chesterton and Ambrosden Parish Councils and Bicester Town Council** – No comments received.
 - 3.39 **Oxfordshire County Council consultees**
 - 3.40 **Highways** – No formal response received.
 - 3.41 **Cherwell District Council consultees**
 - 3.42 **Conservation Officer** – The historic analysis is now satisfactory.
 - 3.43 **Other consultees**
 - 3.44 **Network Rail** - The transportation statement, section 3.4.4 states: *Chiltern Railways' Evergreen 3 scheme comprises proposals to dual the track between Oxford and Bicester and to provide an additional station adjacent to the Water Eaton Park & Ride facility (to the north of Oxford) and a new Bicester Town Station. The proposed works include the replacement of all level crossings with bridges, with the exception of the London Road level crossing adjacent to Bicester Town Station. The plans include proposals to upgrade the London Road level crossing as part of wider proposals to enhance this "gateway" to Bicester and which forms the direct link between Graven Hill and the town Centre*.
- Providing the above bridges replace the level crossings then Network Rail offers no objection to this scheme.
- 3.45 **Natural England** - The proposed amendments to the original application relate largely to the amended Historic Environment report and details of an updated Walking and Cycling Access Strategy, and are unlikely to have significantly different impacts on the natural environment than the original proposal.
 - 3.46 **Environment Agency** - We have no detailed comments to make on these additional elements of the statement as they have low environmental risk associated with them.
 - 3.47 **Secretary of State** – Acknowledges receipt – no further comments supplied.

4. Relevant Planning Policies

4. National Planning Policy Framework

Core planning principles and the delivery of sustainable development and a presumption that where plans are absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and

demonstrably outweigh the benefits, with particular regard to the following sections:

- 1: Building a strong, competitive economy
- 2: Ensuring the vitality of town centres
- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change, flooding and coastal change
- 11: Conserving and enhancing the natural environment
- 12: Conserving and enhancing the historic environment

4.1 South East Plan 2009

The South East Plan was formally revoked on 25 March 2013, with the exception of Policy NRM 6 (Thames Basin) and is therefore no longer a material planning consideration.

4.2 Adopted Cherwell Local Plan

- H5 – Affordable housing
- H18 – New dwellings in the countryside
- EMP4 – Employment generating development in rural areas
- TR1 – Provision of highways improvements or additional public transport
- TR10 – Heavy goods vehicles
- R12 – Provision of public open space
- T5 – Provision of hotels, motels, guest houses and restaurants beyond built up limits
- C1 – Nature conservation
- C2 – Protected species
- C7 – Topography and character of landscape
- C8 – Resist sporadic development in open countryside
- C14 – Trees and landscaping
- C25 – Development affecting site or setting of important archaeological sites and scheduled ancient monuments
- C28 – Standards of layout, design and external appearance
- C30 – Character of built environment
- C31 – Development in residential areas
- ENV1 – Pollution control
- ENV12 – Contaminated land

4.3 Non-Statutory Cherwell Local Plan

- H1a – Availability and suitability of previously developed sites

- H4 – Types/variety of housing
- H7 – Affordable Housing
- H19 – New dwellings in the countryside
- EMP4 – Existing employment sites
- S1 – Town centres and local shopping
- TR2 – Traffic generation
- TR4 – Transport mitigation measures
- EN1 – Impact on natural and built environment
- EN22 – Nature conservation and mitigation
- EN25 – Development affecting legally protected species
- EN30 – Sporadic development in the countryside
- EN31 – Development size, scale and type in a rural location
- EN34 – Conserve and enhance the character and appearance of the landscape
- EN44 – Setting of listed buildings
- D1 – Urban design objectives
- D3 – Local distinctiveness
- D9 – Energy Efficient design
- R6 – New or extended sporting and recreation facilities
- R8 - Provision of children's play space
- R9 – Provision of amenity open space
- R10A – Provision of sport and recreation facilities
- OA1 – General Infrastructure policy

4.4 **The Cherwell Local Plan Proposed Submission August 2012**

Employment development

SLE1: Employment development

SLE2: Securing dynamic town centres

SLE4: Improved transport connections

Sustainable communities

BSC1: District wide housing distribution

BSC2: Effective and efficient use of land

BSC3: Affordable housing

BSC4: Housing mix

BSC9: Public services and utilities

BSC10: Open space, sport and recreation provision

BSC11: Local standards of provision – outdoor recreation

BSC12: Indoor sport, recreation and community facilities

Sustainable development

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

ESD8: Water resources

ESD10: Biodiversity and the natural environment

ESD13: Local landscape protection and enhancement

ESD16: Character of the built environment

ESD18: Green Infrastructure

Strategic Development

Policy Bicester 2 – Graven Hill

Infrastructure Delivery

INF1: Infrastructure

5. Appraisal

5.1 Context

The application covers two separate sites; Graven Hill (D&E Sites) and C site (Arncott), but both are to be considered as part of this one application. The consideration of the application will be split into the main issues for each site.

5.2 Main Planning Considerations

The main issues to consider in the determination of this application are as follows –

- Environmental Statement
- Planning Policies and principle of development
- Community Infrastructure, Planning Obligations and Viability
- Landscape impact
- Historic impact
- Ecological impact
- Retail impact
- Design and neighbouring amenities

- Highway impact
- Other material considerations

Each of the above points will be considered in turn, by site.

5.3 **Environmental Statement**

The application is accompanied by an Environmental Statement (ES). The ES covers the application site and contains information describing the project, outlining the main alternatives considered, aspects of the environment likely to be significantly affected by the development and measures to prevent or mitigate any identified impacts. Where an ES has been submitted with an application the Local Planning Authority must have regard to it in determining the application and can only approve the application if they are satisfied that the ES provides adequate information.

- 5.4 The applicants submitted an application for a scoping opinion prior to submitting the current application. The ES accompanying the application covers the areas identified in the scoping report. The areas covered are landscape and visual assessment, biodiversity, water resources, air quality, noise & vibration, historic environment, land quality, socio economics and community & traffic and transport. An addendum to the ES was submitted in April 2012 providing additional information on the description of development, traffic and transport, air quality, noise and vibration, landscape and visual effects, water resources, alternatives and mitigation and monitoring.
- 5.5 A further addendum to the ES was provided in November 2012, comprising two technical notes (as set out in the consultations section above).
- 5.6 The ES, Addendum and Further Addendum for each chapter consider the impacts and the significance as well as the cumulative effects. It is not possible within this report to set out all of the impacts identified but below is a summary of the areas covered. The full reports and technical notes can be viewed via the web site.
- 5.7 **Traffic and Transport** - Conclusions relating to construction traffic, modelling and impact on the network are acceptable.

Air Quality - Conclusions are acceptable with regard to local air quality management from traffic emissions and dust relating to the construction and demolition phase.

Noise and vibration - In general terms the methods used to predict construction noise levels accord with recognised good practice in that BS 5228:1990 is the most commonly used tool for predicting and assessing construction site noise. However, full calculations in relation to the proposed acoustic barrier and bunds performance need to be presented. With regard to construction traffic noise the methods used are appropriate and although the impacts predicted are low in objective terms, it is anticipated that the effects will be noticeable to members of the community.

Community and socio-economic Impacts – The ES identifies significant positive

effects for the economy in terms of job creation. It states that the existing and proposed community would experience positive effects, through the creation of community facilities, open space and affordable housing. However, as highlighted in the viability section below, the applicants Section 106 offer, with particular regard to the provision of open space maintenance, and community facilities, falls considerably short of the Council's requirements and the mitigation identified in the ES (as shown in Table 9.6). However, the viability section below sets out how the gap in provision has been significantly reduced over a period of negotiation with the applicants and Officers remain optimistic that a satisfactory S106 package can be delivered to mitigate the impacts of the development in this regard.

Landscape and visual Impacts – Chapter 11 of the ES gives a transparent appraisal of the likely impacts. However, the significant positive effects identified during the operational phase once landscape planting has become established are open to debate. Furthermore, C site involves the construction of a very large structure and arguably, paragraph 11.10.10 downplays the significance of the landscape effects. Significant negative effects on landscape character, patterns and elements during the 13 year construction period.

Biodiversity – Further information in relation to the derogation tests is required.

Water resources – Identifies need for 'appropriate upgrades' to the Bicester STW, which may require additional land for physical infrastructure. It is possible that the parcel of land adjacent to the STW may be put forward as the best alternative, which is immediately adjacent to a proposed area of residential development.

Land Quality – Where contamination is likely, it is localised and present in 'hotspots' which will be investigated further, prior to commencement and treated accordingly. As a result, the ES concludes that there is unlikely to be any significant effects.

Alternatives – Environmental considerations appear to have been the influencing choice of favoured alternatives, although there is a contradiction between the ES and the masterplan, which states that in commercial terms, the Graven Hill site is best placed to accommodate residential development and speculative commercial/employment uses and should be promoted *to maximise potential disposal receipts*.

Mitigation and monitoring – Initially, monitoring arrangements were considered limited in scope and the environmental effects of mitigation were not given full consideration. The addendum clarifies these issues to an extent, although acknowledgement must be given to AMEC's approach to the ES, which is *'to assess the effects of the proposed development as they stand at the design freeze, i.e. incorporating the environmental measures that have been designed into the proposed development.'* It is therefore fundamental that the indicative drawings submitted as part of the application are tied to the outline consent by planning condition.

All new development has some impact. The ES has not identified major adverse impacts and where impacts, for example from construction, have been identified mitigation measures are proposed. Should the application be approved, the

proposed mitigation measures would need to be secured through conditions and the planning obligation. The ES, addendum and technical notes are considered to contain 'adequate information' to enable the determination of the application.

5.8 Planning Policy and principle of development

Graven Hill (D & E sites)

5.9 Policy Position

- 5.10 The development plan for Cherwell comprises the saved policies in the adopted Cherwell Local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the development plan unless material planning considerations indicate otherwise.
- 5.11 The adopted Cherwell Local Plan contains no specific allocation for the application site. It is therefore defined as an existing land use, where there is no specific allocation.
- 5.12 Policy H18 of the adopted Local Plan states that new dwellings beyond the built up limits of settlements will only be permitted where they are essential for agricultural or other existing undertakings. The proposal clearly does not comply with this policy criterion and therefore represents a departure from the adopted development plan (the Adopted Cherwell Local Plan 1996).
- 5.13 In terms of material considerations, the Non Statutory Cherwell Local Plan (NSCLP) 2011 was approved by the Council for development control purposes. The site is not allocated for development within this plan and therefore, is, a location where new residential development is restricted to where they are essential for agricultural or other existing undertakings (Policy H19 refers). The development must also therefore be considered a departure from the NSCLP.
- 5.14 The Proposed Submission Local Plan 2012, the Council's latest expression of emerging policy, has limited weight but is an important consideration in the process given its specific content on Graven Hill. The site is also identified for development within the draft Bicester Masterplan which provides background information to the emerging plan and in due course is proposed to be adopted as SPD. Given the stage of preparation of the Local Plan, this proposed allocation can not carry the weight of adopted policy, but never the less sets out the Council's intentions to see the site developed to meet the future growth needs of the area.
- 5.15 Policy Bicester 2 of the Proposed Submission Local Plan (PSLP) 2012 contains specific policy criteria for the development of Graven Hill. The Planning Policy consultation response above deals with each aspect in detail and ultimately concludes that the proposal for the redevelopment of Graven Hill broadly accords

with the proposed development strategy for the district and for Bicester specifically. However, it highlights that issues of strategic significance need to be resolved, including maximising the opportunities presented by the existing rail links and the contribution the site makes to a 'low carbon', knowledge based and high value economy for Bicester; adequately mitigating adverse landscape, visual and heritage impacts; achieving a net gain in biodiversity, ensuring the development adequately mitigates and adapts to climate change; and, ultimately, delivering the benefits for the town envisaged in the Proposed Submission Local Plan. Such considerations include maximising accessibility connections and permeability between Bicester and the development site as highlighted in the draft Bicester Masterplan SPD, and securing the South East Bicester relief road.

- 5.16 Countryside Properties, in their representation, suggest that the release of the site at this time is premature, pending the consideration of the emerging Local Plan.
- 5.17 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (para' 7). It also provides (para' 17) a set of core planning principles which, amongst other things, require planning to:
- proactively drive and support sustainable economic development
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - support the transition to a low carbon future in a changing climate
 - encourage the effective use of land by reusing land that has been previously developed
 - promote mixed use developments
 - conserve heritage assets in a manner appropriate to their significance
 - actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are of can be made sustainable; and
 - deliver sufficient community and cultural facilities and services to meet local needs.
- 5.18 Local Planning Authorities (LPAs) are expected to set out a clear economic vision and strategy for sustainable economic growth and to identify priority areas for economic regeneration, infrastructure provision and environmental enhancement (para' 21). Local Plans are considered to be the key to delivering sustainable development that reflects the vision, aspirations and agreed priorities of local communities (para's 150 & 155). An adequate, up-to-date and relevant evidence base is required (para' 158).
- 5.19 LPAs are expected to create sustainable, inclusive and mixed communities (para' 50). Paragraph 52 advises, *"The supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns that follow the principles of Garden Cities. Working with the support of their communities, local planning authorities should consider whether such opportunities provide the best way of achieving*

sustainable development".

- 5.20 As well as allocating sites to promote development and the flexible use of land, LPAs are expected to "*identify land where development would be inappropriate, for instance because of its environmental or historic significance*" (para' 157). Para' 126 of the NPPF emphasises the importance of seeking to conserve heritage assets in preparing Local Plans; the wider social, cultural, economic and environmental benefits of doing so; and, the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.21 The Proposed Submission Local Plan seeks to meet the NPPF's objectives. A clear development strategy has been set out in the interests of securing growth and achieving sustainable development. Overall housing requirements are in line with those previously set by the South East Plan and the Plan includes proposals for major land releases to meet employment, housing and other needs and to achieve place specific objectives. An urban focused approach to growth is proposed with the major expansion of Bicester and large scale development at Banbury.
- 5.22 The strategic sites identified in Bicester comprise new greenfield urban extensions, and the redevelopment of Graven Hill and DLO Caversfield (both brownfield sites).
- 5.23 Although the Plan is at a fairly advanced stage, its evidence base is not yet complete. Further work is in progress and changes to the plan are currently being consulted upon. It is therefore accepted that the Plan can only be given limited weight at this stage.
- 5.24 The National Planning Policy Framework (NPPF) at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means³:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted⁴
- 5.25 The proposal seeks to enhance economic growth in the area, by providing land for employment uses, potentially providing ~2,000 new jobs. Core planning principle 3 within the NPPF makes it clear that planning should proactively drive and support

³ Unless material considerations indicate otherwise.

⁴ For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

sustainable economic development to deliver homes, businesses and industrial units. Paragraph 19 states that ‘significant weight’ should be given to the need to support economic growth. However, the Council has concerns with regard to DIO’s calculated job retention and job creation figures, in that there is no information relating to how a market has been identified for the floor space proposed and the commitment to bring forward land and premises.

- 5.26 In order to meet the strategic objectives within Policies SO1 and SO3 of the PSLP, there will be a need to shape the provision, attract appropriate business and also create the opportunities for local people to access jobs created. It is possible that a suitably worded condition could be imposed to require the submission of an economic strategy prior to the submission of any reserved matters application for employment use. The strategy could meet the following objectives: More diverse local economy, Attracting and developing knowledge & higher technology industries, Supporting skills and innovation, Self-containment, Higher value job opportunities and Reduce out-communities.
- 5.27 Five Year Housing land Supply
- 5.28 The NPPF includes a presumption in favour of sustainable development and states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the] Framework taken as a whole”* (para. 14).
- 5.29 LPAs are required to boost significantly the supply of housing by meeting assessed needs and identifying key sites critical to the delivery of the housing strategy over the plan period (para’ 47).
- 5.30 They are expected to *“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”* (para’ 47).
- 5.31 Footnote 11 to paragraph 47 states, *“To be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable. Sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units or sites have long term phasing plans”*.
- 5.32 Para’ 49 states, *“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot*

demonstrate a five-year supply of deliverable housing sites.”

- 5.33 The Council cannot currently demonstrate a five year housing land supply. However, in this case, the proposal will only make a very limited contribution to the current five year supply position, given that the site will not be available for development until 2015. Furthermore, it is the applicant's intention to sell the site on and so the intentions of any future owners with regard to housing delivery are unknown.
- 5.34 Housing Mix
- 5.35 An assessment of the type and size of housing needed in Cherwell informs the Proposed Submission Local Plan 2012 (PSLP) Policy BSC4: Housing Mix. Although at this stage the policies carry limited weight, they do set out the size and type of housing expected to be required to meet the needs of Cherwell's future population.
- 5.36 It is noted that the proposed mix of market housing differs significantly from that envisaged in the policy. The proposal is for 10% 2 bed' flats and houses compared to the policy's 30%, and for 85% 3, 4 & 5 bed' homes compared to the policy's 45% (excluding extra care housing).
- 5.37 Officers suggested that the applicants explore an alternative mix of housing that is closer to the range contained with the PSLP policy, but were reluctant to do so on the basis that the applicant's viability consultants maintain that in order to achieve the Council's suggested housing mix, the S106 package offered would be significantly reduced, to the extent that they say the scheme could only afford £18 million of costs.
- 5.38 A balance must therefore be struck against the emerging policy requirement, which in any case, is a guide and the viability of the scheme. In this case, Officers consider that the suggested housing mix would not achieve a mixed, well balanced community, which is one of the key requirements within the NPPF. However the applicants have stated that the housing mix proposed maximises the viability of the development and a mix closer the emerging policy would further reduce the viability of the site.
- 5.39 Whilst the proposal is not considered to comply with the Council's development plan, nor does it fully comply with the emerging Graven Hill Policy as set out in the PSLP 2012, in the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal (subject to suitable conditions) could result in sustainable development and the harm as set out in the sections below would not outweigh the benefits of granting consent.
- 5.40 C Site (Arncott)
- 5.41 The comments in relation to the status of the development plan and other material considerations noted above, also apply to C Site.
- 5.42 C Site is not an allocated site in either the development plan or emerging Local

Plan. Given its location on the periphery of the village of Arncott, it is considered to lie within a rural area.

- 5.43 Policy EMP4 of the ACLP 1996 relates to employment generating development in rural areas and is generally permissive of such development providing it is within an existing, acceptable employment site, constitutes the conversion of an existing building or group of buildings and for minor extensions to an existing employment site, providing the proposal and any associated activities can be carried out without undue detriment to the appearance and character of the rural landscape and without harming the amenities of settlements, the historic environment and is compliant with other relevant policies in the plan. Given the scale of the development proposed, it cannot be regarded as a minor extension to an existing employment site and as such, does not comply with the requirements of the ACLP 1996.
- 5.44 In general terms the principle of redevelopment of C site in terms of providing for economic growth including through the retention and creation of jobs, is considered acceptable, as is the proposal for the new Road and Rail Transfer Area in terms of providing for sustainable transport options for the transport of goods during construction and operation. The National Planning Policy Framework places 'significant weight' on the need to support economic growth through the planning system. However there are a number of areas of potential policy conflict in the detail of the proposal particularly in terms of adverse landscape and amenity impacts arising from the proposed Fulfilment Centre building, which does not appear to accord with the Council's design criteria for employment buildings in terms of its scale and its proximity to residential uses. There are also potential adverse impacts on heritage assets and their settings
- 5.55 However, it is considered that the adverse impacts identified in more detail in the sections below could be mitigated through the imposition of suitably worded conditions and would therefore, on balance, not significantly and demonstrably outweigh the potential economic benefits. The details of these conditions are outlined in the relevant sections below.
- 5.56 **Community Infrastructure, Planning Obligations and Viability**
All large scale development, with the resulting increase in population, would put pressure on existing facilities. Some facilities may have spare capacity but others will require expansion, improvement or new provision to enable them to accommodate the increase in population from the proposed development. Work has been undertaken to identify the necessary community infrastructure to support the application proposals and mitigate its impact. This has identified a mixture of on site and off site provision, direct provision of facilities and financial payments.
- 5.57 Section 106 of the Town & Country Planning Act allows for planning obligations to be entered into in connection with development. Specific regulations (linked to the introduction of Community Infrastructure Levy) introduced in 2010 & 2011 make it unlawful for a planning obligation to be taken into account when determining a planning application if the obligation does not meet the following tests;
- (a) necessary to make the development acceptable in planning terms

(b) directly related to the development

(c) fairly and reasonably related in scale and kind to the development

- 5.58 The community infrastructure identified as necessary, (meeting the tests set out above), covers a wide range of items, some the development could not go ahead without, for example the need to provide safe highway access, whilst others are necessary to meet NPPF and PSLP requirements, for example the measures to achieve bio diversity mitigation. A long list of mitigation items were originally identified by the District, County Council and Thames Valley Police. For some of these items there was a lack of evidence of how funding requested could be spent on deliverable schemes and as such there was not clarity they would currently meet the tests identified above. Accordingly, a number of items were removed from the list of S106 requirements.
- 5.59 The applicants have consistently maintained that they are unable to meet the full range of contributions that have been sought. Consequently, an open book approach to the assessment of viability of the scheme has been sought to identify the level of contributions the scheme can reasonably afford to support. The viability appraisal prepared for the applicant's has been reviewed by a consultant working on behalf of the Council. Despite strenuous efforts to reach agreement on the viability there remains differences between the advice the Council has received from its consultant on the viability of the scheme and DIO's position.
- 5.60 The Council's consultant advises that based on the information provided and evidence of costs and values from other sites, that scheme can afford to meet the cost of the S106 contributions identified whilst achieving the return that DIO seek. However DIO using their consultant's model have offered two scenarios; the first is to provide 30% affordable housing but not the full S106 costs and the second is to provide 27.5% affordable housing and meet the S106 costs identified. At the time of writing this report progress has been made in narrowing the differences in the modelling but DIO's consultant has not been able to share the detail behind their model to explain the differences and therefore there remains no agreement yet over the viability of the proposal at the current time and this is therefore reflected in the recommendation to this report.
- 5.61 **Landscape and Visual Impact**
- 5.62 **Graven Hill (D & E Sites)**
Paragraph 9 of the NPPF states that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment. One of the core planning principles enshrined within paragraph 17 of the NPPF requires planning to recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- 5.63 More specifically, paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by, [inter alia] protecting and enhancing valued landscapes, geological conservation interests and soils.
- 5.64 The following policies of the Adopted Cherwell Local Plan are relevant to the consideration of the landscape impact of the proposal:

C7 – Development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape.

C9 – Beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will normally be resisted.

C28 – Control will be exercised over all new development, including conversions and extensions, to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development.

C31 – In existing and proposed residential areas, any development which is not compatible with the residential character of the area, or would cause an unacceptable level of nuisance or visual intrusion, will not normally be permitted.

5.65 The Non Statutory Local Plan also contains relevant policies as set out below;

Policy EN31 (Countryside Protection) (like its equivalent policy C9 in the Adopted Cherwell Local Plan 1996) states that beyond the existing and planned limits of the towns of Banbury and Bicester, development of a type, size or scale that is incompatible with a rural location will be refused.

Policy EN34 (Landscape Character) sets out criteria that the Council will use to seek to conserve and enhance the character and appearance of the landscape through the control of development. Proposals will not be permitted if they would:

- cause undue visual intrusion into the open countryside
- cause undue harm to important natural landscape features and topography
- be inconsistent with local character
- harm the setting of settlements, buildings, structures or other landmark features
- harm the historic value of the landscape

5.66 Given its rural location and the presence of heritage assets in the vicinity, the proposal has the potential to cause harm and each of these criteria needs to be carefully considered.

5.67 Policy ESD13 (Local Landscape Protection and Enhancement) of the Proposed Submission Cherwell Local Plan seeks to avoid damage to local landscape character, and mitigation where damage cannot be avoided. Development proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside
- Cause undue visual harm to important natural landscape features and topography
- Be inconsistent with local character
- Impact on areas judged to have a high level of tranquillity
- Harm the setting of settlements, buildings, structures or other landmark features, or
- Harm the historic value of the landscape.

- 5.68 Each of these criteria needs to be assessed in turn as to whether harm is caused by the proposal.
- 5.69 Policy ESD16 (The Character of the Built Environment) of the PSLP of the sets out that where development is in the vicinity of any of the district's distinctive natural or historic assets, delivering high quality design will be essential. New development should preserve, sustain and enhance designated and non designated heritage assets. Again, the impact of the proposal on heritage assets in the wider vicinity therefore needs to be considered.
- 5.70 Bicester Policy 2: Graven Hill within the PSLP sets out some key site specific place shaping principles, including; ensuring the layout of the development maximises opportunities for views of Graven Hill within the site and protects views of the hill from outside the site, a well designed approach to the urban edge and the careful design of the employment units to limit adverse visual impact on the new development and wider area.
- 5.71 Graven Hill is one of a series of isolated hills (Poundon Hill, Arncott Hill and Muswell Hill) that rise above the surrounding landscape. Graven Hill, 115 metres above ordnance datum (AOD) provides a central, high point to the site, which is visible from long distances. The hill is broadly elliptical in shape and orientated with its long axis broadly east to west. The lower parts of the hill slope gently with a gradient of around 1 in 30. The gradient increases in steepness in the central band to 1 in 14 gradient and at its steepest towards the top of the hill at a 1 in 10 gradient. Elsewhere around the site, the landscape is predominantly flat.
- 5.72 The landscape character area of the Graven Hill environs is defined in the Council's Landscape Assessment (1994) as Otmoor Lowlands. The site is specifically designated as Landscape Character Type R5a – Isolated Hills with Woodland and Mixed Uses. The main characteristics of this type are defined as having a distinct topography, rising 50 metres above the surrounding flat floodplains with Graven Hill and Arncott Hill visible for considerable distances across the plain, forming prominent and curious focal points within an otherwise flat and uneventful landscape.
- 5.73 The proposal involves locating development on the lower slopes of the hill, with the exception of two proposed residential parcels of land rising up on the northern slope above the inner most ring road around the hilltop. The proposal will involve development largely confined to the existing areas of development albeit at greatly increased density. B1, B2 and B8 uses are confined to the south eastern lower slopes, with residential development concentrated around the northern parts of the site.
- 5.74 The wooded hill top of Graven Hill forms a noticeable feature in the landscape and provides a visual link with the surrounding landscape. The hilltop is a landmark in the local landscape. It is a Local Wildlife Site (LWS) and designated Ancient Woodland. Retention of views of the hill top are important as a way of integrating and linking it with the surrounding landscape.
- 5.75 Although the application is in outline form, at the time the application was made, the

Department for Communities and Local Government (DCLG) Circular 01/2006 set out the scope of information to be submitted with an outline application. Even if layout, scale and access were reserved, an application still required a basic level of information, including scale parameters (upper and lower limits for heights of buildings) and an indicative layout. The indicative scale parameters, layouts, densities and form contained within the Design and Access Statement have been used by the applicants to analyse the impact of the development, including landscape, within the Environmental Statement.

- 5.76 Since the submission of the application, an Order amending the rules on the information which must be submitted with an English planning application will come into force on 31 January 2013. This Order removed existing national requirements for information on layout and scale to be provided with outline applications where these are reserved matters to be determined at a later date. The DCLG support Council's 'Local Validation List' approach, which sets out a list of information requirements to support specific types of planning application. Consequently, it is likely that the Council's current validation checklist will be updated to reflect the change to national information demands, to require large scale major applications such as this to be supported with information on layout and scale.
- 5.77 As part of the Environmental Statement submitted with the application, the applicants have undertaken a landscape and visual assessment of the construction and operation of the proposed development at Graven Hill and C Site. Various photographic viewpoints were identified as forming part of the visual envelope (i.e. the extent of the area from within which the proposed development may be viewed). 26 photographic viewpoints were identified along with receptors of close, medium and long distance views. Cumulative impacts of other proposed development (land to the south and east of the A41, Kingsmere and Evergreen 3) are noted, stating that people in the surrounding area will potentially experience changes to their views and there will be cumulative effects on landscape character as a result of combined views of the proposed development at Graven Hill and the aforementioned planned developments.
- 5.78 The Council's Landscape Officer initially visited the various viewpoints, with the exception of 6 long distance points. She noted that the visual envelope is quite extensive, but the impact of the development would, in her opinion, be slight to moderate outside the site boundaries. She noted concerns in relation to the proposed 4 storey buildings close to the A41, due to their proximity to existing dwellings and the A41. In particular, views southwards into the site from the public right of way near Middle Wretchwick Farm and travelling towards Bicester from the A41 would be significantly affected. Paragraph 11.11.11 of the ES states that these visual receptors, 'will experience significant, but temporary effects as a consequence of changes to their views'. The applicants state that extensive areas of peripheral planting will avoid negative effects and the removal of existing, visually intrusive military built form (i.e. the BIFT) and their replacement with built form is likely to result in significant positive effects.
- 5.79 However, the proposed planting is estimated to take 10 to 15 years from planting to act as an effective screen and in any case, the proposed built form will be

significantly higher than the BIFT (up to 4 storey) and at a much higher density (35 to 45 dph). Figures 11.32 (showing viewpoint 5 as existing), 11.33 (showing viewpoint 5 in 2022) and 11.34 (showing viewpoint 5 in 2031) are attached as **Appendix B** to this report, which show the magnitude of change of this vista, which is important in forming the 'entrance' into Bicester from the Aylesbury direction into the town. It is also one of the key place shaping principles of Policy 2 of the PSLP that the approach to the urban edge of Bicester should be well designed and relate to its rural periphery.

- 5.80 The addendum to the ES (April 2012) provided additional wireframes of viewpoints 5 (figure 14), 9 (figure 15) and 23 (figure 16). In relation to viewpoint 5, the wireframe demonstrates the scale of development in comparison with the existing BIFT area, showing that the buildings will be higher than the containers currently on the site.
- 5.81 Officers recommended a reduction in the ridge heights of the dwellings fronting the A41 to 80% no higher than 8.5 metres, with no more than 20% maximum height of 10.5 metres (to allow for a varied roofscape) to reflect the edge of town location of the site and the scale of existing buildings in the town. However, the applicants were unwilling accept this. Instead, the applicants subsequently amended their application by reducing a portion of the previously proposed 4 storey (maximum ridge height with roof 15 metres) dwellings to 3 storey (maximum ridge height with roof 12 metres) dwellings. Officers nevertheless consider it imperative to condition the ridge heights of the buildings in this location, to ensure development in this location is suitable in its setting.
- 5.82 The applicants also provided further detail in relation to specific viewpoints which were of concern, in relation to the extent of the proposed residential development above the 80 metre contour on the northern slope of the hill, from viewpoint 25. The section provided demonstrated an impact on the tree-line and whilst it is accepted that there will be some visual encroachment on the fields, visual encroachment above the base of the tree-line to the hill should be avoided, to retain the character and appearance of the hill.
- 5.83 Consequently, it was suggested that the number of dwellings beyond the 80m contour should be reduced and located elsewhere on the site, to retain the visibility of the trees and the character of the hill top that is Graven Hill, having established that it would only result in the re-distribution of a very small number of dwellings to other residential parcels on the site. The applicants have instead retained the layout, but reduced the maximum ridge heights of the dwellings extending beyond the 80 metre contour line, by limiting them to single storey (although the parameter plans provided do not specify a maximum ridge height for single storey). At a maximum of 5 metres this would be acceptable as the dwellings would not impinge on the views of the woodland. This will again be secured by condition.
- 5.84 In relation to the south eastern part of the site, containing the proposed B1, B2 and B8 development, the most pertinent viewpoint is 9, taken from the western edge of Ambrosden Village. The Landscape Officer noted that the top of the large existing buildings are currently visible and there will be some visibility of proposed industrial units as illustrated by the photomontages, which at this point is accurate.

- 5.85 Consequently, it was considered that additional screen planting should be provided, by way of a reinforced native planting buffer (at least 10 metres) on the southern edge of the site, to break up the solid box-like buildings. Furthermore, the buildings standing in front of the hill should be painted darker colours to make them less obtrusive. The applicants supplied an amended layout to reflect the additional planting buffer and agreed that the colouration of the buildings could be adequately dealt with by condition.
- 5.86 It is disappointing that there is no landscape strategy for creating different character areas in which the housing and industrial activity are proposed to sit. The site contains a substantial amount of existing woodland, but this is not analysed and the findings used to inform landscape character at a local level. Whilst the application is in outline form, at a minimum, the application should be supported by principles that would inform detailed design and how the landscaping would enhance the site.
- 5.87 Paragraph 109 of the NPPF requires the planning system to contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes. The Adopted Cherwell Local Plan, NSCLP and PSLP policies mentioned above all echo this requirement.
- 5.88 The principle landscape and visual impacts are considered to be the impact of the development on the A41 frontage, the development of land around the hilltop and employment development to the south of the site.
- 5.89 The amendment to the ridge heights of a proportion of units above the 80m contour line is considered to satisfactorily mitigate any long term adverse visual impact of views of the hilltop within and outside of the site. As the maximum ridge heights for single storey dwellings are not specified, this would also need to be secured by condition.
- 5.90 The additional planting buffer and colouration of the employment buildings to the south of the site will appropriately mitigate the visual and landscape impact of these buildings, particularly from views to the south.
- 5.91 The removal of a section of four storey development along the A41 frontage and its replacement with 3 storey development does little to ameliorate the impact of the development on the approach to the town. However, Officer's recommendation of a reduced and varied ridge height along this frontage would achieve a more satisfactory form of development, taking account of its rural periphery.
- 5.92 Policy C7 of the ACLP states that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape, and Policy C9 of the ACLP requires development beyond the limits of Bicester to be of a scale that is compatible with its rural location. The latter point is echoed in Policy 2: Graven Hill of the PSLP.
- 5.93 As a consequence of the scale of development proposed along the A41 corridor, it is considered reasonable and necessary to condition the heights of buildings along this frontage, in order to mitigate any demonstrable harm to the character of the

local landscape. Similarly, it is considered reasonable and necessary to condition the maximum ridge heights of the dwellings proposed above the 80 metre contour line, to prevent the dwellings breaking the line of the hilltop.

5.94 C site (Arncott)

The policy criterion mentioned above in relation to Graven Hill equally applies to C site, with the exception of Bicester Policy 2 of the PSLP, which only relates to the development of Graven Hill.

5.95 The site is located on level/gently sloping land at the foot of Arncott Hill within the village of Upper Arncott. The site is currently developed with 18 main dispersed storage buildings with associated external hardstanding areas, car parks, green spaces, with existing rail connectivity throughout the site.

5.96 C site also falls mainly within the 'Isolated Hills with Woodland and Mixed uses' landscape character type, which is outlined in detail in the Graven Hill section above. Within the site, the warehouse buildings form the main features, although the water storage tower in the north of the site is particularly evident in the wider landscape.

5.97 The ES identifies the extent of the visual envelope surrounding C site (illustrated in Figure 11.20 of volume 2 of the ES). Thirteen photographic viewpoints were initially selected, two of which were supplied as photomontages, showing the proposed building at 0 years and 15 years completion.

5.98 The Council's Landscape Officer initially visited the site in November 2011 and noted that the proposed building (at 18.6 metres to the ridge) would be slightly lower than the height of the water tower, probably extending half way up the top tank. This provides a rough guide as to where the building will be seen from, as the water tower is an important landmark on the site and easily identifiable from a distance.

5.99 She concluded it is a very, very large building, being tall, deep and long and will form a very solid mass in the landscape. Although the existing warehouse buildings are quite dominant from some viewpoints, they are relatively small compared with the very large building proposed. It is also proposed to be sited roughly parallel with the boundaries, unlike the warehouses which it is to replace, which are at varying angles, thereby varying the impact from any one point. The proposed building will be close to housing on Green Lane and this impact will be greater than at present.

5.100 Officers have consistently articulated serious concerns with regard to the visual impact of the development from various key viewpoints. Consequently, as part of the addendum to the ES, the applicants provided a supporting technical note responding to some of the points raised by the Landscape Officer. Additional sections, a new photomontage for viewpoint 4 and an additional viewpoint (to the north of viewpoint 4) were provided.

5.101 The particular concerns were then distilled into the following:

1. Views into the site from the access point (north of viewpoint 4) – shown in figure 7 of the ES addendum material. Due to the lack of screening provided

- around the frontage of the site,
2. Views into the site from the south (from viewpoint 11 along the footpath running to the south of the site and viewpoints 12 and 13)
 3. Viewpoint 12 – The whole bulk and length of the building will be particularly stark from this point
 4. Viewpoint 13 – This is a prominent and exposed landscape (even if the building is coloured appropriately). The Merton Road is elevated slightly above the hedge and there is little intervening vegetation. There is little scope to mitigate on site due to position of rail lines and hardstanding. Serious landscape and visual impact concerns from this aspect.
- 5.102 Further drawings were provided on the 14th December 2012, outlining the proposed screen planting along the north western boundary of the site (adjacent to the proposed rail connection) and additional bunding and screen planting around the existing entrance to the site (close to viewpoint 4).
- 5.103 The Landscape Officer and Senior Planning Officer visited these viewpoints again in December 2012, in light of the mitigation offered by the applicants. In relation to point 1, Officers are satisfied that the proposed bunding (up to 2 metres in height) and screen vegetation on the Ploughley Road and Norris Road frontages (as illustrated on drawing no. 27808-L508a) will sufficiently mitigate the impact of the development from this aspect.
- 5.104 In relation to viewpoint 11, it is considered that the existing bunding and screen vegetation within the site would effectively screen views of the building from this footpath.
- 5.105 However, in relation to viewpoint 13, Officers remain concerned with regard to the extent of the visual impact from this aspect (Merton Road). The position of the site boundary relative to the rail lines restricts the land available to provide effective screen planting. Drawing no. 27808-L506 indicates the width of the proposed screen planting along the north western boundary (minimum of 5 metres in the north eastern corner and maximum of 10 metres in the south western corner).
- 5.106 Due to the very large scale of this plan, clarification as to the certainty of the landscape screening provision was sought from the applicants, to clarify the width of screen planting and the overhang of rolling stock from line of the track, to confirm 5 metres of screen planting will not be pruned back to only 2 metres, which would not be sufficient.
- 5.107 Instead, the applicants asked AMEC (their consultants) to review the available area between the site boundary and nearest rail line. AMEC confirmed that the distances available are; 6 metres at the northern end and 27 metres at the southern end. It may be possible to achieve a minimum buffer of 5 metres at the northern end of the site, exclusive of technical requirements (such as clearances), but no plan has been provided to demonstrate this.
- 5.108 To this end, it is important to consider whether the proposed mitigation from this aspect is sufficient to overcome serious landscape and visual impact concerns. It is Officer's opinion that the short and medium term (5-10 years) impact of the

development from this aspect would be harmful, even with the proposed mitigation in place. Off site planting between the western boundary of the site and the Merton Road could potentially provide a more immediate vegetative screen which would help to mitigate the views from this aspect, but the applicants are unwilling to provide this.

5.109 It is accepted that the majority of the view points around the site can be mitigated such that there would be no significant, demonstrable adverse landscape or visual impact. However, Officers remain concerned with one viewpoint (13) from the Merton Road, looking towards the western section of the site. Therefore, in order to be satisfied that the mitigation planting proposed by the applicants can be successfully achieved, a suitable condition will be imposed to require the submission and approval of a landscaping strategy, to include soil composition, planting protection, establishment and maintenance to ensure a suitable screen can be achieved.

5.110 For this reason, Officers consider that any potential harm to the character of the landscape can be appropriately mitigated in respect of all views except those from the west, where the large scale of the building will remain evident in the long term. This adverse impact will have to be weighed against other positive aspects of the proposed development.

5.111 **Historic Impact**

5.112 **Graven Hill (D & E Sites)**

Section 12 of the NPPF deals specifically with the historic environment. It directs LPA's to set out, in their local plans, a positive strategy for the conservation and enjoyment of the historic environment, conserving heritage assets in a manner appropriate to their significance. The requirement is also enshrined within the Framework's presumption in favour of sustainable development, recognising that the historic environment has a role to play in design, promoting healthy communities and protecting Green Belt land.

5.113 The NPPF sets out a significance-based approach to planning decisions, requiring sufficient evidence of the assessment of the significance of the heritage asset to be weighed against the benefits of the proposal delivering sustainable development. The NPPF advocates the grant of planning permission (for sustainable development), unless substantial harm to or loss of a heritage asset can be demonstrated as a result of the proposal.

Annex 2 of the NPPF defines heritage assets as:

A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).

It goes on to define heritage significance as:

The value of a heritage asset to this and future generations because of its heritage

interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

- 5.114 Designated heritage assets are defined as World Heritage sites, Scheduled Monuments, Listed buildings, Protected wreck sites, Conservation Areas, Registered parks and gardens and Registered battlefields.
- 5.115 The identification and assessment of non designated heritage assets is not specifically defined in the NPPF and relies on professional judgement.
- 5.116 Paragraph 131 states that in determining planning applications, LPA's should take account of the desirability of sustaining and enhancing the significance of the heritage asset and putting them into a viable use consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.117 Paragraphs 132 to 135 set out the criteria for assessing the impact of development on the significance of designated and non designated heritage assets. In summary;
- Substantial harm to or loss of designated heritage assets of the highest significance (i.e. scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings and registered parks and gardens & World Heritage sites) should be wholly exceptional
 - Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional
 - Less than substantial harm to a designated heritage asset should be weighed against the public benefit of the proposal
 - A balanced judgement having regard to the scale of any harm or loss and the significance of a heritage asset will need to be made for proposals that affect non designated heritage assets.
- 5.118 The setting of a heritage asset is also defined in Annex 2 of the NPPF, which states:
- The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.*
- 5.119 Policies relating specifically to the protection of historic assets and their settings in the Adopted Local Plan 1996 were not saved but have in any event been superseded by the National Planning Policy Framework (NPPF).
- 5.200 Within the Non Statutory Cherwell Local Plan, Policy EN39 (Listed Buildings: General Principles) relates to the preservation of listed buildings, their character and their setting whilst EN44 (Listed Buildings: Settings) sets out that special care will be taken to ensure that development that is situated within the setting of a listed building respects the architectural and historic character of the building and its setting. The supporting text sets out that the Council will resist development that

would adversely affect the setting of listed buildings.

- 5.201 **Direct impact on heritage assets within the site:** There are no designated heritage assets within the site. English Heritage were encouraged to bring forward their assessment of the relative significance of the former military buildings on the site as part of its Heritage Protection Review. This assessment considered the importance of a number of features of the site including the military railway and associated features and identified an intact group of six air raid shelters in the south east of the site adjacent to storage Hanger D2 that are of particular interest on the site. The assessment was submitted to the English Heritage listings team for consideration.
- 5.202 English Heritage used the Defence Disposal Assessment Template to assess whether the buildings were appropriate for statutory listing. The principal interest was at building D2 and the adjacent unusual group of six air-raid shelters. The storage hangar D2 was included in the assessment for its contextual association, since the shelters show the large capacity of the workforce in the building which was built to handle armaments. The storage hangar is of standard plan and construction and very altered having a high proportion of replaced fabric. It is one of eight large hangars on D Site and whilst it does augment the context for the air-raid shelters, it is not rare on this site or nationally.
- 5.203 Consequently, English Heritage recommended that the hangar and associated air raid shelters should not be listed. The Secretary of State for Culture, Media and Sport concluded that the D2 hangar is of standard form and too altered to merit listing. The associated air-raid shelters are not, if taken as individual structures, rare or particularly notable examples of this building type nationally. They do have some rarity as a surviving group however, but this legibility of function would be meaningless without the retention of the associated hangar. A similar exercise was carried out for a group of buildings on C Site, which is discussed in more detail in the next section (specifically relating to C Site) below.
- 5.204 Whilst the buildings are not designated heritage assets, under the NPPF definition, they are nevertheless considered to be non designated heritage assets, taking account of their historic context and background.
- 5.205 The applicants have confirmed that the air raid shelters and building D2 will be demolished, as English Heritage have confirmed that they will not be listed.
- 5.206 In addition to these buildings, the site contains a range of other buildings which were built for the storage and distribution of military supplies and associated functions. These buildings are set out in the ES in table 10.6 and 10.7 and also at paragraph 3.1.18 of the 'Historic Environment' technical note. The site was also served by the Bicester Military Railway, which forms a circular network enclosing the hill and links to other sites connected to Graven Hill. Some of the replaced concrete sleepers were used in the construction of improvised passenger platforms, one of which survives at Graven Hill. The railway is to be removed as it is not required for the residential development, although the applicants state within the Design and Access statement that the alignment will be reflected in the layout and some parts incorporated in to public open space where possible. None of these

features or buildings has been recommended for listing by English Heritage, but are still considered to be non designated heritage assets.

- 5.207 The ES and Historic Environment technical report state that a programme of recording would be needed to record the buildings prior to their demolition/removal. English Heritage has confirmed that this could be secured through a suitably worded condition.
- 5.208 Consequently, it is considered that the proposed development will have an impact on non designated heritage assets on site, as set out above. However, the NPPF requires a balanced judgement to be made, having regard to the scale of any harm or loss of significance of the heritage asset.
- 5.209 It is considered that whilst the proposal will lead to the loss of some non designated heritage assets, the degree of harm caused to the historic environment in this case must be weighed against the significance of the historic asset. English Heritage do not consider that any of the buildings or features on the site are worthy of statutory listing.
- 5.210 It is therefore considered that the proposed development would involve harm to non designated, on site heritage assets as they are to be removed. However, as the features are not designated and their presence can be appropriately recorded by condition,, on balance it is considered that the proposal at Graven Hill is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.
- 5.211 **Direct impact on offsite heritage assets:** There are four listed buildings immediately adjacent to the site boundary: Langford Park Farm, Wretchwick Farm, Cottage and Lodge. In response to the scoping request it was advised that the listed buildings “all need to be identified and the visual impact of the proposals on the setting of these should be assessed and the proposals amended to preferably avoid or at worst mitigate harm”.
- 5.212 The locations of the four listed buildings in the vicinity of the site have been identified but the original assessment of impact at paragraphs 10.12.37-39 of Volume 2 of the ES was considered to be inadequate, as setting had been too tightly defined and therefore impacts not properly assessed.
- 5.213 The ‘Historic Environment’ technical note, supplied as part of the ES Addendum, more appropriately defines and describes the setting of the aforementioned listed buildings (from page 13 to 20 inclusive). It sets out the physical surroundings, experience of the asset and associative attributes of each building, concluding with a statement of the effect of the proposed development on their significance.
- 5.214 There is no doubt that there will be a change to the setting of Wretchwick Lodge (and Cottage), through the introduction of new residential and office development within close proximity to its curtilage. However, due to the extensive tree belt within which the Lodge sits, any harm to the significance of the asset will be less than substantial.

- 5.215 There will be some positive change in the views of Wretchwick Farm, with the removal of the large storage building (D9). Proposed development will be set further back than D9 and boundary screening is to be strengthened. In the longer term, this is likely to have a positive effect on its heritage significance.
- 5.216 In relation to Langford Park Farm, some of the pasture land adjoining the farm which contributes to its agricultural setting will be lost to allotments and sports pitches, although some agricultural land to the east will be retained. However, the extent of the built development will be set back further than the current large storage buildings and will comprise smaller in scale domestic development. Accordingly, it is considered that the proposed development is likely to have a neutral impact on the heritage significance of this asset.
- 5.217 The Technical note concludes by stating that there will be some changes to the settings of the listed buildings (as outlined above), but that overall the proposed development would involve less than substantial harm to the significance of the heritage assets.
- 5.218 The Conservation Officer has reviewed this additional information, as has English Heritage and neither have any objections to the additional information and justification.
- 5.219 Since the submission of the Heritage Technical Note, the applicants provided a plan that reduces the extent of some of the 4 storey development along the A41 frontage (as shown on 'Building Heights' plan). However, it is considered that this has a neutral impact on the setting of Wretchwick Lodge, Cottage and Farm.
- 5.220 It is considered that the proposal would result in some harm to the setting of designated heritage assets. However, due to the mitigation measures incorporated into the proposed development, it is considered that on balance, the proposal will lead to less than substantial harm to the heritage significance of these assets.
- 5.221 As noted above, paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Taking this into account, on balance it is considered that the proposal at Graven Hill is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.
- 5.222 C site – (Arncott)
- 5.223 The comments in relation to policies regarding the assessment of the impact of development on the historic environment as noted above, also apply to C Site.
- 5.224 **Direct impact on heritage assets within the site**
As noted above, English Heritage assessed the relative significance of the former military buildings on the site as part of its Heritage Protection Review, which Roger

Thomas conducted. At C site, a 'Bolero' group of six Romney and six Iris huts (buildings C30 and C31, in the south eastern section of the site) were considered for designation as listed buildings. The large size of the C30 and C31 huts and the gantry over the railway imply that they were used for handling heavy goods, commensurate with the use of C Site as Motor Transport Sub-Depot.

- 5.225 English Heritage summarise in their 'Notification of Designation Decision' that the group of six Romney huts (C30) and six Iris huts (C31) at Arcott C Site, form a strong coherent group within a very much larger site, where the scale and survival of the infrastructure and sum of the parts, rather the individual components are key to its significance.
- 5.226 However, they concluded that given the lack of rarity of the Romney huts and the design faults of the Iris hut which led to its almost universal replacement, they do not merit designation, and recording as part of a full survey of the depot and removal to a museum site are advocated in preference to designation as best means of recognising their undoubted significance.
- 5.227 The applicants have confirmed that buildings C30 and C31 will remain as they are, given their position on the site. The retention of these buildings could be secured through a suitably worded condition. It is unlikely that the setting of these buildings would be materially adversely affected, given the distance from the Fulfilment Centre, intervening building C5 (which is to remain), bunding and landscaping to the south eastern corner of the Fulfilment Centre.
- 5.228 As noted above, C site also contains a range of other military buildings which were built for the storage and distribution of military supplies. These buildings are noted in full in the ES, table 10.6 and 10.7. None of these buildings have been considered as potentially meeting the criteria for listing, but are nevertheless considered to be of historic interest given the size and range of surviving buildings.
- 5.229 The proposed development would involve the demolition of buildings C1, C4, C7, C9 and C60, in order to be replaced by the proposed Fulfilment Centre. However, the ES outlines a full programme of building recording, prior to their demolition, commensurate with their historic significance, which could be secured by condition. English Heritage has confirmed that the principle of this would be acceptable.
- 5.230 Again, it is considered that the proposed development will have an impact on non designated heritage assets on site, as set out above. However, the NPPF requires a balanced judgement to be made, having regard to the scale of any harm or loss of significance of the heritage asset.
- 5.231 It is considered that whilst the proposal will lead to the loss of some non designated heritage assets, the degree of harm caused to the historic environment in this case must be weighed against the significance of the historic asset. English Heritage do not consider that any of the buildings or features on the site are worthy of statutory listing.
- 5.232 Again, the proposed development would involve harm to non designated, on site heritage assets as they are to be removed. However, as the features are not

designated and their presence can be appropriately recorded by condition, on balance it is considered that the proposal at C Site is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.

5.233 Direct impact on offsite heritage assets:

The village of Arncott is not a conservation area but contains four listed buildings and other buildings of undesignated heritage interest. The buildings in the village are small scale, generally 2 storeys in height. The landscape character of the wider area is open, particularly in views from the west and, within the site, there is an open campus character of pavilion buildings set within grassed areas with occasional trees dotted around, some avenue planting and some screening along the western boundary.

5.234 The listed buildings noted above are; Methodist Chapel (on Green Lane), Miropa (16 Green Lane), Manor Farmhouse (Ploughley Road) and Wood Farm Cottage (Ploughley Road). All of these buildings are Grade II listed. Their locations are shown on Figure 10.1 of the ES.

5.235 The 'Historic Environment' technical note, supplied as part of the ES Addendum, appropriately defines and describes the setting of the aforementioned listed buildings (from page 20 to 29 inclusive). It sets out the physical surroundings, experience of the asset and associative attributes of each building, concluding with a statement of the effect of the proposed development on their significance.

5.236 The note concludes by stating that the proposed development would cause some harm to the heritage significance of Miropa Cottage and the Methodist Chapel in Green Lane. Medium distance views, for example, from The Green, will undoubtedly be affected and will result in some distraction of the view of the Chapel. Similarly, the views along the approach to Miropa from Green Lane, particularly before the tree screening fully develops, will be disrupted. However, the sections provided as part of the ES Addendum (April 2012) demonstrate the visibility of the proposed Fulfilment Centre in the context of the aforementioned listed buildings. It demonstrates that the perceived height of the proposed building from Green Lane would be broadly comparable with the existing buildings, taking account of the proposed bunding and screen planting along the south eastern boundary of the site.

5.237 It is considered that the proposal would result in some harm to the setting of designated heritage assets. However, due to the mitigation measures incorporated into the proposed development, it is considered that on balance, the proposal will lead to less than substantial harm to the heritage significance of these assets.

5.238 As noted above, paragraph 134 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Taking this into account, on balance it is considered that the proposal at C Site is in accordance with central Government guidance relating to the conservation of the historic environment contained in the NPPF, Adopted Cherwell Local Plan, NSCLP and PSLP.

5.239 **Ecological Impact**

5.240 **Graven Hill (D & E sites)**

- 5.241 As regards protected species, the NPPF – *Conserving and enhancing the natural environment* requires that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures” (para 109)
- 5.242 Paragraphs 192 and 193 further add that “The right information is crucial to good decision-taking, particularly where formal assessments are required (such as Habitats Regulations Assessment) and that Local Planning Authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question”. One of these requirements is the submission of appropriate protected species surveys which shall be undertaken prior to determination of a planning application. The presence of a protected species is a material consideration when a planning authority is considering a development proposal. It is essential that the presence or otherwise of a protected species, and the extent to that they may be affected by the proposed development is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. This is a requirement under Policy EN23 of the Non-Statutory Cherwell Local Plan 2011.
- 5.243 Paragraph 18 states that “When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”
- 5.244 Paragraph. 98 of Circular 06/05: Biodiversity and Geological Conservation – statutory obligations and their impact within the planning system states that, “local planning authorities should consult Natural England before granting planning permission” and paragraph 99 goes onto advise that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.”
- 5.245 Section 40 of the Natural Environment and Rural Communities Act 2006 (NERC 2006) states that “every public authority must in exercising its functions, must have regard ... to the purpose of conserving (including restoring / enhancing) biodiversity” and;

- 5.246 Local planning authorities must also have regards to the requirements of the EC Habitats Directive when determining a planning application where European Protected Species (EPS) are affected, as prescribed in Regulation 9(5) of Conservation Regulations 2010, which states that “a competent authority, in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions”.
- 5.247 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.248 Under Regulation 41 of Conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict legal derogation tests are met which include:
- 1) Is the development needed for **public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature** (development)?
 - 2) Is there any **satisfactory alternative**?
 - 3) Is there **adequate mitigation** being provided to maintain the favourable conservation status of the population of the species?
- 5.249 Therefore where planning permission is required and protected species are likely to be found to be present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local planning authority that the 3 strict derogation tests can be met prior to the determination of the application. Following the consultation with Natural England and the Council's Ecologist advice given (or using their standing advice) must therefore be duly considered and recommendations followed, prior to the determination of the application.
- 5.250 In respect of planning applications and the Council discharging of its legal duties, case law has shown that:
- 1) if it is clear/perhaps very likely that **Natural England will not grant a licence** then the Council should refuse planning permission
 - 2) if it is likely that **Natural England will grant the licence** then the Council may grant planning permission

- 3) if it is **unclear/uncertain** whether Natural England will grant a licence then the Council must refuse planning permission (Morge has clarified Woolley)

[R (Morge) v Hampshire County Council – June 2010 Court of Appeal case]

[R (Woolley) v Cheshire East Borough Council – May 2009 High Court case]

NB: Natural England will not consider a licence application until planning permission has been granted on a site, therefore if a criminal offence is likely to be committed; it is in the applicant's interest to deal with the 3 derogation tests at the planning application stage.

- 5.251 Policy C1 of the ACLP seeks to promote the interests of nature conservation and protect sites of local nature conservation interest. Policy C4 of the ACLP seeks to promote the interests of nature conservation within the context of new development. Similar policies exist in the NSCLP (EN24, EN25, EN27 and EN28) which echo the requirements of the NPPF and ACLP.
- 5.252 Bicester Policy 2: Graven Hill within the PSLP contains site specific requirements, including achieving development that demonstrates enhancement, restoration or creation of wildlife corridors through the creation of 'Green Fingers', the appropriate treatment of protected habitats and species on site & creation and management of new habitats to achieve an overall net gain in biodiversity and the provision of a Habitats Management Plan to manage the woodland and other habitats on site.
- 2.253 There are no sites of international nature conservation interest located within 10km of the site boundary, there are five statutory nature conservation sites located within 5km of the site boundary, the nearest being over 1.5km away. These are Arcott Bridge Meadows Site of Special Scientific Interest (SSSI), Wendlebury Meads and Mansmoor Closes (SSSI), Stratton Audley Quarries (SSSI), Otmoor (SSSI) and Bure Park Local Nature Reserve (LNR).
- 5.254 There are three non statutory nature conservation sites located within 1km of the site boundary. One of these is the ancient woodland site (Graven Hill Wood County Wildlife Site (CWS)). The Bicester Wetland Reserve is located to the west of the site boundary, within 40m.
- 5.255 The site is also within 280m of the 'Upper Thames Tributaries' Environmentally Sensitive Area (ESA).
- 5.256 The ES denotes protected and otherwise priorities species in full at page 255 and the biological records for each study area are presented at Appendix J of the ES, apart from the badger records, which are listed in a confidential report, to avoid potential illegal interference with the setts.
- 5.257 In summary, the key species records occurring within 2km of the Graven Hill site boundary are; bats, grass snake, great crested newt (GCN), various schedule 1 bird species, various UK BAP priority bird species, various UK BAP priority and nationally scarce invertebrate species and other UK BAP priority species (Common Toad and Hedgehog).

- 5.258 Field surveys identified the presence of the following legally protected species; badger, common pipistrelle, soprano pipistrelle bat, noctule bat, serotine bat, Myotis sp. Bat, Daubenton's bat, Leisler's bat, long eared bat, polecat, Great Crested Newt, common lizard, grass snake, priority invertebrate species and breeding birds. It is important to note that given the proposed development period (development of Graven Hill is scheduled for 2015), further survey work will be required prior to the commencement of construction work.
- 5.259 The ES details the proposed measures designed to minimise the effects on biodiversity at Table 12.4. The following receptors were taken forward for detailed assessment, as the effects upon them are sufficiently likely to be significant; Graven Hill Wood (CWS), Bicester Wetland Reserve (CWS), badger, bats which roost on site, foraging bat species, Great Crested Newt, dormouse and reptiles. Other receptors were scoped out, as it was concluded that they are unlikely to be significantly affected by the proposal. Table 12.8 within the ES summarises all of the predicted ecological effects and evaluation of their significance.
- 5.260 The consultation response from Natural England (NE) states that the development is likely to have an impact on the Arncott Bridge Meadows SSSI, but they do not object subject to the inclusion of conditions, to ensure the SUDS and ecological mitigation set out in the ES is adhered to.
- 5.261 In relation to protected species, Natural England provided the following, summarised, response:
- Badgers and Reptiles – LPA to consult NE's standing advice to establish whether sufficient survey effort has been undertaken and to consult with the in-house ecologist.
- Bats – The indicative proposals set out appear sufficient to mitigate any potential impacts on bat populations. Recommendations in Chapter 12 of the ES should be conditioned and adhered to in full.
- GCN's – The proposals appear sufficient to mitigate the impact on GCN populations. A full mitigation plan must be submitted and approved prior to commencement.
- Dormice – Proposals appear sufficient to mitigate any potential impacts of Dormice populations. A full mitigation plan must be submitted and approved prior to commencement.
- 5.262 In conclusion, NE has no objection to the proposal. They also raise no objection to the ES Addendum or Further ES Addendum material.
- 5.263 The Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) were also formally consulted on the proposal and raise no objection. However, they note that the measures proposed to mitigate the effects of human disturbance on the LWS site (Graven Hill Wood) such as instructions to remain on designated paths, keep dogs on leads, and also leaflet drops regarding pet cats and wildlife are unlikely to be very effective and will be very difficult to enforce.

- 5.264 Furthermore, it is not stated how public access to the southern half of the wood could be restricted and enforced. Short of an impenetrable security fence bisecting the LWS (which would bring its own difficulties and impacts), it is not clear how this could be achieved or policed. It is also important to note that, despite the suggested mitigation proposed by the applicants, BBOWT has not been approached regarding taking on future management or ownership of the LWS. Moreover, the Trust would be disinclined to do so even with funding and a long-term lease in place, as the site is relatively small and isolated and would not be of any strategic ecological value to the objectives of the Trust's work.
- 5.265 This issue has been raised with the applicants on numerous occasions, but it is still not clear how this very important LWS will be managed and maintained. This issue is part of ongoing negotiation and discussion as part of the S106 package, including the contribution towards open space management and maintenance.
- 5.266 The applicant intends to deliver the ecological mitigation and enhancement measures proposed in brief in the ES through a detailed habitat creation plan and a habitat management plan (for management in perpetuity) to be written at the reserved matters stage.
- 5.267 It is accepted that the current application is for outline permission only. However, BBOWT have stated that the delivery of the mitigation/enhancement measures as a holistic strategy across the entire site is fundamental to (at the very least) avoiding a net loss of biodiversity from the scheme and thus maintaining compliance with the NPPF and appropriate protected species legislation. Should the site be sold with outline permission there would need to be a guarantee that the proposed measures would be delivered by future owners, particularly if the scheme were to be progressed in a number of disjunct phases by different developers.
- 5.268 For these reasons, BBOWT recommend that a more detailed habitat creation plan should be submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan. The latter should ideally contain information regarding on-going annual habitat management work plans, an appropriate ecological monitoring schedule, details of a biodiversity steering group and review process, and fairly accurate costings to achieve these aims. However, Officers consider that these requirements can be provided as part of a condition attached to this outline permission, that would require a detailed management plan to be submitted and approved prior to the submission of reserved matters.
- 5.269 The Council's Ecologist summarises the impact of the development on protected species as follows:
- loss of five, possibly six, bat roosts. One of these roosts is a maternity roost for three different species and as such is of moderate conservation value.
 - loss of foraging habitat for nine species of bat.
 - some loss of sub-optimal dormouse habitat & increased disturbance to the population within Graven Hill Wood.
 - loss of breeding & terrestrial habitat for a large population of great crested newts
 - loss of reptile (common lizard & grass snake) habitat.

- loss of and disturbance to badger setts, affecting three different social groups.
- loss of habitat for 16 priority & notable bird species and potential disturbance to breeding birds during the construction phase.
- loss of habitat for 11 scarce invertebrate species.

5.270 She also summarises the proposed protected species mitigation as follows:

- restriction of public access within Graven Hill Wood to minimise disturbance.
- provision of 2 artificial badger setts within Graven hill Wood, enhanced areas for foraging & green corridors.
- alternative bat roosting sites provided in form of bat boxes on trees & bat access tiles in new buildings.
- retention of bat foraging habitat where possible, low level lighting strategy and green corridors.
- additional areas of woodland & new hedgerows suitable for dormice & enhancement of hedgerows for them. 50 nest boxes to be installed within Graven Hill Wood.
- provision of new great crested newt aquatic & terrestrial habitat.
- creation of new habitat suitable for reptiles.
- enhancement of existing semi-improved habitat by Graven Hill Wood, creation of a wildflower meadow & additional planting of buckthorn (for a rare butterfly species).
- no vegetation clearance to take place during bird nesting season unless supervised by an ecologist to ensure no nests are damaged. Installation of bird boxes around site.

5.271 She concurs with the recommendations and comments of BBOWT (as set out above) and concludes that it cannot be confidently be said that the necessary licences for some or all of the European protected species affected by the current application would be granted by Natural England.

5.272 However, Natural England has stated that it is concerned to ensure that planning applications are not refused on the grounds of European Protected Species unless there is an irresolvable matter that would harm the protected species interests. In this case they are satisfied that there is enough land available for securing any necessary mitigation for the EPS effected by the proposals, although they may require additional pond habitats to be created at the licensing stage. All Green Infrastructure (GI) provided by development requires some form of arrangement for ongoing maintenance. In this case the additional management requirements due to the presence of EPS species over and above the normal requirement for GI maintenance is likely to be minimal and indeed may be substantially less than that normally required for the maintenance of amenity grassland.

5.273 Detailed negotiations have taken place in relation to the commuted sums required for management and maintenance by the Council of the open space within the development. The applicants accept that there is an insufficient sum to cover most of the operations required by the Council to cover the standard 15 year maintenance period.

5.274 The applicants have also failed thus far to present the Council with a viable, acceptable alternative for the management of the open space. However, as noted

above, the Officers remain optimistic that an appropriate sum for open space management and maintenance can be achieved.

- 5.275 Therefore, taking this into account, Officers are satisfied that ecological mitigation proposed within the ES can be achieved, subject to a suitable S106 contribution being provided.
- 5.276 C Site (Arncott)
- 5.277 The policies and legislation mentioned above in relation to Graven Hill equally applies to C Site, with the exception of the specific Bicester Policy 2 of the PSLP.
- 5.278 Again, there are no sites of international conservation interest located within 10km of the site boundary. There are eight statutory designated sites located within 5km of C site. These are; Arncott Bridge Meadows SSSI, Muswell Hill SSSI, Whitecross Green and Oriel Woods SSSI, Murcott Meadows SSSI, Otmoor SSSI, Wendlebury Meads Mansmoor Closes SSSI, Long Herdon Meadow SSSI and Shabbington Woods Complex SSSI. The nearest of these is Arncott Bridge Meadows, located 50m to the north of the site boundary.
- 5.279 There are three non statutory sites within 1km of the boundary; Meadows South of River Ray (CWS), Arncott Wood (CWS) and Bicester Garrison (LWS), the latter of which is the closest being 240m to the west of the site boundary.
- 5.280 The western site boundary is continuous with the Upper Thames Tributaries ESA.
- 5.281 C Site also contains all of the legally protected species as found at Graven Hill, with the exception of Daubenton's Bat, polecat and Grass snake.
- 5.282 The ES details the proposed measures designed to minimise the effects on biodiversity at Table 12.5. Measures that comprise habitat creation and/or enhancements are shown at Table 12.2 and information relating to how the measures would be implemented is provided at Table 3.3.
- 5.283 The following receptors were taken forward for detailed assessment on the basis that the effects upon them are sufficiently likely to be significant to merit a more detailed assessment; Arncott Bridge Meadows SSSI, badger, roosting bats, foraging bats, GCN and dormouse. Other receptors were scoped out as it was concluded that they are not likely to be significantly affected by the proposed development. Table 12.9 within the ES summarises all of the predicted ecological effects and evaluation of their significance.
- 5.284 The recommendations and conclusions of Natural England equally apply to C Site, in relation to the impact of the proposal on protected species. However, the requirement to submit full mitigation plans is not recommended for C Site and in relation to bats, NE recommend that 20 bat boxes are erected prior to the works commencing.
- 5.285 Again, BBOWT did not raise any specific concerns in relation to the proposal at C Site, but their recommendation that a more detailed habitat creation plan should be

submitted by the applicant prior to determination, along with a reasonably detailed outline for a future management plan is also relevant to C Site.

- 5.286 The Council's Ecologist's observations and comments in relation to the impact of the development on protected species also apply to C Site. Clearly, the amount of open space at C Site is significantly less than at Graven Hill, but the ecological mitigation proposed in Table 3.3 nevertheless involves the provision of enhanced areas of habitat (e.g. for badgers, bats and dormice) that will need to be managed and maintained. Providing a satisfactory agreement can be achieved in relation to open space management and maintenance contributions, Officers consider that the proposed mitigation could be satisfactorily achieved.

5.287 Retail Impact – Graven Hill only

- 5.288 In addition to local centre facilities (five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling 500 sqm), the application proposes a significant retail element at Graven Hill (a grocery store of 1,000sqm – previously proposed at 1,858sqm).
- 5.289 The NPPF states that a sequential test should be applied to planning applications for main town centre uses such as retail. Only if suitable sites are not available should out of centre sites be considered and preference should be given to accessible sites that are well connected to the town centre. Also impact assessments are required for developments over 2,500 sqm. Where an application fails to satisfy the sequential test or is likely to have *significant adverse impact*, then it should be refused.
- 5.290 The retail element within this proposal falls short of the threshold for the requirement for an impact assessment.
- 5.291 At a local level, Policy EMP1 of the adopted Cherwell Local Plan states that employment generating development will be permitted on identified sites, but this is not one of those. Policy S25 seeks to resist all new proposals for retail development unless they accord with Policies S26 (relating to small scale retail outlets which are generally ancillary); S27 (garden centres) or S28 (local shops) which this application does not. Policy TR1 seeks to provide for transportation funding.
- 5.292 The Proposed Submission Local Plan 2012 (PSLP) Policy SLE2: Securing Dynamic Town Centres is clear that that the Council does not support out of town office and retail development outside of the district's town centres. The provision of new local centres within proposed allocated sites is supported.
- 5.293 Since the initial response from the Head of Strategic Planning and the Economy (Planning Policy), the Council's draft Retail Study (recently published on the Council's website in October 2012) identifies a need for convenience floor space (allowing for overtrading) and comparison floor space in the District over the Local Plan period to 2031. It states that Banbury offers the greatest opportunity to accommodate new floor space but some comparison floor space should be directed to Bicester town centre. It separately suggests that until the Bure Place

development is completed, there is no need to bring forward an additional food store in Bicester, although this should be reviewed once the Sainsbury's store has opened and trading patterns have settled.

- 5.294 However, in the meantime, the Council has resolved to approve a significant retail application for Tesco (12/01193/F refers), comprising 1,485 sqm additional convenience goods floor space and 1,776 sqm additional comparison floor space on land SW of Bicester Village and the existing Tesco store. It is proposed to provide dot com deliveries (currently served from the Buckingham store) producing more efficient and sustainable benefits.
- 5.295 The existing Tesco store was said to be overtrading, resulting in congested conditions both within the store as well as on the highway network so was considered deficient in qualitative terms. The Tesco application was submitted in tandem with an application for the extension to Bicester Village's specialised retail offer (12/01209/F refers), which also has a resolution to grant permission. The Tesco development is interdependent on the relocation of the existing store from Pringle Drive.
- 5.296 Additionally, a further application made by Sainsbury's has been approved (12/01612/F refers) for an increase in the retail floor area of 1450sqm through the provision of an extended mezzanine floor. The additional floor space is proposed to provide an improved convenience and comparison offer. As the development is located within the town centre, an impact assessment is not required by the NPPF.
- 5.297 The reduction in floor space from 1858sqm to 1000sqm has gone some way to address concerns relating to out of centre retail provision, where there is no identified need. Whilst the 1000sqm of floor space is in addition to the 500sqm local centre, it is considered that subject to a condition to limit the size of individual units within the total floor space provided, the proposal is sufficient to meet local need and will consequently not have a detrimental impact upon the vitality or viability of Bicester Town Centre.
- 5.298 **Design and Neighbour amenity**
- 5.299 **Graven Hill (D & E sites)**
- 5.300 Chapter 7 of the NPPF relates to good design. Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It is also enshrined within the core planning principles at paragraph 17, stating that planning should always seek to secure high quality design and good standards of amenity for all existing and future occupants.
- 5.301 Policies within the ACLP also reflect the requirement to secure good design and adequate standards of amenity for all new development. Policy C28 seeks to ensure that standards of layout, design and external appearance are sympathetic to the character of the area. Policy C30 seeks to ensure that all new development provides acceptable standards of amenity and privacy. These requirements are echoed within the NSCLP policies.

- 5.302 Policy ESD 16 of the PSLP specifically relates to the character of the built environment and seeks to ensure that all new development complements and enhances the character of its context. As part of this, new development is expected to incorporate energy efficient design.
- 5.303 Policy Bicester 2 within the PSLP sets out specific design principles for the development of Graven Hill. It requires the development to achieve a high degree of integration and connectivity between new and existing communities and a layout that maximises the potential for walkable neighbourhoods.
- 5.304 As mentioned in the Landscape and Visual Impact section above, it also requires a well designed approach to the urban edge, relating to its peripheral rural location. It also requires careful design of the employment units to limit adverse visual impact.
- 5.305 Also of specific relevance to this section, the policy requires demonstration of climate change mitigation and adaptation measures, including exemplary demonstration of compliance with the requirements of policies ESD 1-5.
- 5.306 The scheme is in outline form only and as such the layout of the development and the design of the individual buildings are not being assessed at this stage. However an outline application is required to demonstrate that a development of the size proposed can be successfully accommodated on the site, providing an adequate living environment with sufficient private and public amenity space and sufficient parking.
- 5.307 Considerable information is supplied though the ES and the Design and Access Statement (DAS). The submitted DAS implies that the application of the parameters and principles within it at subsequent design stages, including the submission of reserved matters, is the mechanism to achieve the design quality, which is promoted and envisaged.
- 5.308 It is standard practice to link the content of the DAS or the parameters plans within it and the ES to any grant of permission. This assists in providing certainty as to what is proposed and permitted and would enable Reserve Matter applications to be linked to an outline consent.
- 5.309 It is also important in the context of the ES, as in this case, it acknowledges that development outside the parameters on which it is based (i.e. those contained within the DAS) could give rise to significant effects different to those identified in the ES. These could be unresponsive to the environmental measures proposed in Table 3.3 within the ES, whose purpose is to mitigate the environmental effects arising out of the proposed development.
- 5.310 The Council sought advice from ATLAS (Advisory Team for Large Applications) which provides a free service to Local Planning Authorities, the private sector and other stakeholders who are dealing with large scale and complex development proposals. ATLAS have also been advising the applicants and have sought to facilitate negotiations between the two parties.
- 5.311 The Council sought guidance from ATLAS with regard to the adequacy of the

information submitted as part of the outline application. ATLAS considered that the submission, with substantially all matters reserved, was inconsistent with the legislative framework for outline applications which are EIA development. ATLAS recommended that in addition to the parameter plans (Figs 3.1 – 3.3 contained in the ES) that parameter plans for density, street hierarchy and phasing were incorporated into the application itself. They also recommended that if outline planning permission was granted, it should be subject to conditions which substantially restrict the development to these parameters.

5.312 Over a substantial period of negotiation, the applicants have agreed that the Strategic Land Use Plan could be used as a parameter plan,.

5.313 The applicants have suggested that other details including building heights, widths and lengths could be covered by conditions, as set out below:

- Building heights in the northern part of the Graven Hill site shall not exceed those denoted on plan number...(drawing numbers have not been provided for these plans).
- The maximum height of any new building on the southern part of the Graven Hill site shall not exceed 15 metres to the ridge.
- Building widths and lengths (excepting those of the school and community hall) shall not exceed those set out on page 135 of the Design and Access Statement dated September 2011.
- The Fulfilment Centre on C Site shall not exceed 18.6m to ridge height, 14.6m to external eaves height, or have a dimension that exceeds 320m x 220m. A distance of at least 60m shall be maintained between the proposed building and the existing residential properties on Green Lane.
- A Landscape Buffer of not less than 5 meters wide shall be provided between the C Site boundary and the Road/Rail Transfer Area, exclusive of operational width requirements.
- Notwithstanding any details in the application, no development shall take place until a landscape scheme has been submitted to and approved by the Local Planning Authority. The landscape scheme shall include details of plant species, layout and density and specification for soils and ground preparation, planting protection, establishment and maintenance.

5.314 The regime for EIA development requires an adequate set of development parameters to be built into planning permissions and tied to a suite of appropriate environmental measures and controls, if necessary. This is to ensure that any inherent positive environmental outcomes are delivered and sustained, and significant negative effects mitigated over the lifetime of the development. Consequently, Officers consider it reasonable and necessary to condition set parameters (such as the building height, position and design for C site and the building heights on the A41 frontage and slope of the hillside) to ensure the delivery of the specific mitigation set out in the ES and the ability of the proposal to achieve

high quality development.

- 5.315 Two vehicular linkages are proposed with A41 and these form part of the application, although the site is not as accessible by green modes as would be desirable. The pedestrian links to the town centre and Bicester Town Rail Station require crossing the busy A41 by pelican crossings, which is acknowledged as less than ideal in terms of highway safety.
- 5.316 The DAS refers to the use of the existing underpass as a means to connect the site to the rest of Bicester, but the routes up to it are not included within the red line as it is not within the applicant's ownership. The applicants have been asked to secure this throughout the course of the application, but have been unable to do so. This issue is discussed in more detail within the Highway Impact section below. Pedestrian movement within the site appears to be satisfactory, but this is insufficient in isolation to form a development that integrates with the rest of the town.
- 5.317 Within the DAS the site is shown as a distorted grid of highways with a hierarchy diminishing in a logical manner. Block sizes are sensible, but the overall approach is rather repetitive. The references to character areas rely upon a description of location and land use, not character per se. This and the limited access and traffic calming at 150m intervals and 3m wide verges mean that the stated 20mph design speed will be difficult to achieve. However the DAS does not form part of the application and the applicants have in any event been clear they are unwilling for any permission to be tied to the details within the application.
- 5.318 The Parking Strategy proposes accessibility zones for variable standards according to location and this seems a sensible approach, with a maximum provision for cars and a minimum for cycles. However, according to the proposed provision, a 1 bed dwelling generates a need for one cycle space plus one car space plus one visitor space (therefore 2 car spaces in total); a 2 or 3 bed dwelling generates two cycle spaces, two car spaces plus a visitor space (therefore 3 car spaces in total); a dwelling with 4+ bedrooms generates a need for two cycles, 2+ car spaces plus visitor space. The inclusion of an additional car parking space for visitors for each dwelling pushes the total parking provision substantially above the Council's adopted standards of 1, 2 and 2+ on merit, respectively.
- 5.319 One third of parking is to be reliant upon on-street spaces, including along the Primary Main Street and the peripheral road which will give access to the employment areas and also ultimately the A41. This is likely to result in a street scene dominated by parked vehicles.
- 5.320 Layout is reserved, but CLG guidance requires information to be provided on the approximate location of buildings, routes and open spaces, explaining the principles behind the development zones and blocks and how these will inform the detailed layout. The layout is driven by the re-use of existing infrastructure, mainly roads and the master plan illustrates these issues adequately, but the applicants are unwilling to tie the master plan to the application.
- 5.321 Although scale has been reserved, parameters for the height, width and length of

each building have been provided to establish a 3D building envelope. Reference is also made to differing heights for flats and pitched roofs. Nevertheless, there are some concerns: The dimensions for the apartment blocks are given as 30-50 x 30-50metres, which seems extremely large; The dimensions for houses seem reasonable but the maximum length for terrace is given as 50m, which might be impractical. As noted in the Landscape and Visual Impact section above, the proposal for the A41 frontage along the northern boundary shows development to be up to 4 storey / 15m. The photomontage reveals the dominance of this in views from the north.

- 5.322 Bicester is not a tall town; even in the town centre most buildings are two storeys. Whilst there is an urban design logic behind increased height and density in certain locations on the site, this is not a stand alone site and this is approached from a rather theoretical view point, with little regard for the sense of place elsewhere in the town. This is the first sight of Bicester when approaching from the east and the scale here should create a gentler introduction to the town.

- 5.323 The scale of employment buildings has been clarified as up to 15m in height. The DAS states that the re-development of the warehousing area is 'aimed to be within a unifying landscape setting which follows through the Graven Hill concept of Green Fingers...'

- 5.324 Where landscaping is reserved, the CLG guidance states that the DAS should explain the principles of any future landscape scheme. As 47% of the site is proposed to be Green Infrastructure, landscape is an integral part of the master plan. The driving force is the retention of the woodland and open areas towards the top of Graven Hill and the retention of "green fingers" leading into the development area. The USP of this site is the maturing landscape, already present within the development areas, but the master plan and text of the DAS make little of this. Nor does the application outline how the LWS (ancient woodland) will be managed or maintained.

- 5.325 Appearance is reserved and the CLG Guidance requires the principles behind the intended appearance to be explained. Some information is included from an appraisal of the context, but there is no commitment to any of the statements made in the DAS. Reference is included to the use of solar thermal on roof slopes, but it is not clear how this will integrate with the use of traditional materials that is suggested. Character areas are indicated but it is not clear other than in terms of location and land use how they will differ in character from each other.

- 5.326 Although land is proposed to be safeguarded for two potential energy centres within the employment land area (indicated on the Graven Hill Strategic Land Use Plan), the applicants have confirmed that if the Council require this, it will need to be costed and deducted from the 'pot'. It would therefore seem that the applicants are not proposing to provide decentralised energy as part of the proposal.

- 5.327 The sustainability policies (ESD1 – 5) in the Proposed Submission Local Plan 2012 (PSLP) require Code for Sustainable Homes (CSH) Level 4 (for all aspects of the Code – not just the energy elements) on all residential developments (the Council's One Shared Vision document seeks CSH Level 5); BREEAM 'Very Good' for all non

residential developments; a feasibility assessment for district heating for developments of 400 dwellings or above 1000 sqm (where the assessment demonstrates that district heating is deliverable, this will be required as part of the development); and a feasibility assessment for the potential of significant on site renewable energy provision for developments of 400 dwellings or above 1000 sqm (again, where the assessment demonstrates that renewable energy is deliverable, this will be required as part of the development).

- 5.328 The submitted Energy Strategy (required by PSLP policy ESD2: Energy Hierarchy) refers to achieving Code for Sustainable Homes (CSH) Levels 3 and 4. The DAS refers to CSH Level 4 and CSH Level 3 for dwellings, but the proposed policy relates to the achievement of Code levels as a whole, not only the energy element. Whilst zero carbon is anticipated to be required by the national building regulations by the time the first dwellings are expected to be delivered on site, this Council also seeks the achievement of wider sustainability standards. For instance, One Shared Vision seeks the achievement of water neutrality on new large scale developments given that Bicester is in an area of water stress, but sustainable water use is not covered in the application documents.
- 5.329 No sustainability standards for the non residential buildings are referenced in the Energy Strategy. The DAS acknowledges that BREEAM 'very good' will be achieved on the non residential buildings, and the Planning Statement notes that the Fulfilment Centre at Site C would be constructed to DREAM Excellent standard. PSLP policies seek BREEAM 'very good'. The proposal therefore appears to accord with the PSLP in this respect. But, the Council's One Shared Vision document seeks BREEAM Excellent and, nationally, commercial buildings are expected to be required to be zero carbon in 2019.
- 5.330 The reference in the Energy Strategy to CHP district heating is positive but – whilst the final composition of an energy strategy can only be confirmed once detailed design matters are known – the feasibility assessment required in PSLP policy ESD4: Decentralised Energy Systems has not been prepared. Potential links to the Energy from Waste plant at Ardley are mentioned but not discussed in any detail and this is a missed opportunity.
- 5.331 Overall, the Energy Strategy is not sufficiently detailed to meet the aims of the PSLP policies on sustainability and as such, a more detailed energy strategy and feasibility study will be required by condition.
- 5.332 In relation to neighbour impact, the nearest neighbouring properties to the development are Wretchwick Lodge (to the north of the site), Wretchwick Cottages (to the north east of the site), Wretchwick Farm (to the north east, but south of the A41) and Bramlow, Langford Lane (to the south west of the site). All of these properties are a sufficient distance from the site such that their amenities will not be detrimentally affected.
- 5.333 C site (Arncott)
- 5.334 The policy criteria mentioned above equally applies to the proposed development at

C site.

- 5.335 The scale of the proposed building is such that to integrate the building into the established urban grain of the village is very difficult. It is also be several times larger than the other buildings within the site and so integrating it into the campus style layout is also difficult. The extent of hard surfacing required for car parking and servicing is also substantial.
- 5.336 Although the application is submitted in outline, CLG Guidance requires the DAS to include an explanation of the principles behind the intended appearance and how these will inform the final design and also of the principles that will inform any future landscaping proposals for the site. Appearance is touched upon, in that indications as to how the building could be treated are given, including possible horizontal bands of colour in diminishing shades. In terms of landscaping there is reference to the bunding along the eastern side and additional planting along the northern and western boundaries and as mentioned in the Landscape and Visual Impact section above, additional bunding and landscaping has been provided around the existing entrance to the site.
- 5.337 The applicants have stated that the rationale for the scale of the building revolves around need to fulfil the operational needs of the MoD logistics function, which requires specific stores and racking systems and associated height requirements. Consequently, it has been advised that it has not been possible to reduce the height of the building, nor break up its massing through the provision of co-located buildings within the site.
- 5.338 In relation to neighbour impact, there are several properties within close proximity to the site boundary. Those closest to the area where the fulfilment centre is proposed are the properties on Green Lane and some properties to the west of Norris Road.
- 5.339 The dwellings closest to the site boundary in this location are 3 and 3a Norris Road and 15 and 17 Norris Road. The applicants provided additional sectional drawings as part of the ES Addendum, showing the impact of the proposed development in relation to the aforementioned properties and those along Green Lane.
- 5.340 Following receipt of this information, Officers conducted a further site visit to 3, 3a, 15 and 17 Norris Road. The sections demonstrate that due to the set down of the building within the site, proposed bunding and landscaping along the boundary, the building will be obscured from view and will consequently not appear over-dominant from their respective rear elevations/garden areas. Similarly, concerns were raised in relation to traffic noise resulting from the use of the access road to the east of the site. However, the Council's Anti Social Behaviour Manager is satisfied that the sound attenuation provided by the bund will sufficiently mitigate this impact.
- 5.343 **Highway Impact**
- 5.344 **Graven Hill (D & E sites)**
- 5.345 The Graven Hill site (sites D & E) is located around 1 mile (1.5km) to the south east of the town centre of Bicester. Just over 3 miles away to the north east is Junction

9 of the M40/A41/A34. The Graven Hill site is nearby to the villages of Ambrosden, Merton and Wendlebury. The current access arrangements are from the A41/A4421/B4100 roundabout to the north of the site with a secondary access via Pioneer Road.

- 5.346 In strategic terms, the key requirements of the Proposed Submission Local Plan 2012 (PSLP) on Graven Hill (Policy Bicester 2: Graven Hill, and SLE4: Improved Transport and Connections) are use of the rail tracks on site to serve commercial logistics and distribution and development of an expanded rail freight interchange; maximisation of transport connectivity and non car accessibility in and around the site; contribution to capacity improvements to the surrounding road networks; and significant sustainable access provision.
- 5.347 The proposed access arrangements for Graven Hill (Sites D & E) will be via an improved A41/A4421/B4100/Graven Hill roundabout; and a new roundabout at the A41/Pioneer Road junction replacing the existing ghost island priority junction. The Local Highway Authority have stated that these improvements must be designed to the appropriate DMRB (Design Manual for Roads and Bridges) standards. The improved A41/A4421/B4100/Graven Hill roundabout is to be signalled to promote pedestrian, cyclists and public transport movements.
- 5.348 The detail of these proposed external connections is as follows:
- Pedestrian crossings on the A41/B4100/A4421 roundabout – an improvement scheme was identified which provides a signal controlled crossing on every arm of the five arm roundabout
 - Toucan crossing on the A41 – at a location ~165 metres to the west of the A41/B4100/A4421 roundabout, where there is evidence of an existing informal crossing point, alongside a speed reduction from 60mph to 40mph.
- 5.349 The application also originally proposed to improve the existing A41 underpass, including ground surfacing, entrances spaces, vehicle access restraints, wall and ceiling finishes with lighting. However, the plans submitted did not include routes to and from the underpass. Investigation by the applicants into the rights of access on the approach to the underpass on the southern side of the A41, and rights of access and land ownership on the northern side of the approach proved inconclusive to date.
- 5.350 Consequently, the applicant's highway consultants prepared a 'Walking and Cycling Access Strategy', which forms part of the further amendment to the ES. This technical note reviews the pedestrian/cycle movement strategy and illustrates the pedestrian options (Figure 1 of this technical note).
- 5.351 The technical note sets out that the County Council would progress the delivery of this underpass route and suggests that a condition could be imposed which aims to deliver it, but if it proves undeliverable, the applicants would implement the alternatives as set out in the technical note.
- 5.352 However, it is understood that the County Council are satisfied with the alternative arrangements set out in the bullet points above.

- 5.353 As mentioned above, Policy Bicester 2 requires the provision of a peripheral road within the site to function as a relief road for Bicester. There is an existing road that serves the warehousing area to south of the Graven Hill site. The road width of this route is currently around 6.3m and will be used to provide a limited number of accesses into the employment area of the development via a number of ghost island priority junctions. The applicants have offered that this road will be upgraded, to 7.3 metres in width and will 'future proof' the possibility of a (potential) future south east perimeter road from the A41 Aylesbury Road in the north east of the site to the A41 Oxford Road in the south west of the site, by safeguarding a 12 metre wide strip of land to facilitate it.
- 5.354 The applicants have offered to safeguard the land for a perimeter road by condition, but they have also stated that the procurement of this additional area would have to be negotiated with the County. It therefore seems that the offer falls short of the Policy requirement, as the provision of a relief road does not form part of the application.
- 5.355 Furthermore, it is important to note that the requirement to facilitate a perimeter road is part of emerging Policy within the PSLP and must therefore carry limited weight. It is acknowledged that further work is required to demonstrate that the road is necessary and deliverable. The Bicester Movement Study has considered options for the delivery of improved routes around Bicester. The study suggests further work is undertaken into two potential routes to improve traffic movements on the A41 and around the town. Both preferred routes go through the Graven Hill site.
- 5.356 Similarly, emerging policy within the PSLP requires the maximisation of the transport connectivity in and around the site, including the use of rail tracks on site to serve commercial logistics and distribution issues. The existing freight tracks within the site are to remain within the southern part of the Graven Hill site to potentially serve the commercial warehouse and storage elements of the development. It is stated within the TA that no details of upgrading these tracks or any re-aligning works are to be considered until the development enters the reserved matters application stage. There is therefore no certainty whether the use of the site for rail freight is feasible within the context of the current development.
- 5.357 The traffic generation figures quoted for the Graven Hill development have been assessed and checked using TRICS and the local highway authority have stated that they appear reasonable.
- 5.358 With regards to traffic distribution from the proposed development onto the existing highway network, the County have confirmed that the modelling for the County network is approved, subject to further detailed modelling of the specific access junctions, which could be appropriately conditioned.
- 5.359 Various junctions will require capacity improvement works to accommodate the development, which, to date, are as follows:
- Junction 9 – (M40A34/A41) – the A41 links to the M40 will require significant improvements for the development to go ahead i.e. Phase II of Junction 9

improvements, which will need funding and the agreement of the Highway Agency and the County Council for such works to go ahead.

- Junction A41/B4030 roundabout will go over capacity on two of its existing arms with the proposed development and will require improvement works to accommodate the addition traffic movements. The mitigation works proposed are widening to the roundabout arm of the Oxford Road (B4030) for southbound traffic.
- Junction B4030/Middleton Stoney Road Roundabout goes will require improvement works. The proposed works include an improvement to the existing mini roundabout to a 28m ICD roundabout.
- Junction A41/Graven Hill Road/B4100/A4421 will significantly go over capacity with the proposed development, therefore improvement works must be provided to accommodate the addition traffic movements in this area. The proposed improvements include widening works and the introduction of signal controls to increase the capacity of the roundabout and provide pedestrian and cycle crossing points. It should be noted that the proposed layout of the improved roundabout is likely to require further alterations to enable a bus (and/or cars) to have a more direct route towards the town centre.
- The existing priority junction of the A41/Pioneer Road is to be upgraded to a roundabout which is to improve access into/out of the development site and ensure a second access is retained and to an acceptable standard to accommodate the increase in traffic.
- Capacity improvements between the A41 and the roundabouts of A41/B4030 and the Graven Hill roundabout have been proposed i.e. partial dualling of the A41 with reduction of speed limit to 40mph and a toucan crossing.

- 5.360 The Highways Agency directs that conditions should be attached to any planning permission which may be granted, which involves the implementation of a programme of improvement works to Junction 9 of the M40. The applicants have offered a sum of £600,000 towards the programme of improvement works to the M40 Junction, which the County Council are satisfied with.
- 5.361 The Graven Hill development layout has tried to provide a public transport route that will be no more than 400m walking distance from any property, which is desirable. The public transport route being proposed will use a circular loop road around the site with the appropriate infrastructure provided i.e. shelters, RTI, bus gates with camera enforcement etc.
- 5.362 It is stated that all public transport services associated with the development are likely to focus around the Local Centre as the main stopping location; other key stopping locations are expected to be in the employment areas etc, but these will need to be agreed with the Local Highway Authority, by condition.

- 5.363 The public transport services being proposed will serve the development site and link up to key locations such as the town centre and the two rail stations. Two services will be provided at the Graven Hill development; one will be a new service the other a diversion of the S5 Stagecoach service into the northern part of the site. Such a diversion will provide an essential link between Graven Hill and C site as well as the City of Oxford. The diversion of the S5 will be via both the main access into the site and secondary one via Pioneer Road.
- 5.364 The frequency of these services is to be every 15-20 minutes. The new bus service's route would be via the town centre and the train stations and would comprise of a mini bus type vehicle during the early stages of the development; this service would then be upgraded to a larger vehicle type as the development progresses. This service will link up to the train timetables at both stations.
- 5.365 The LHA have agreed in principle that the new bus service will only serve the employment/commercial areas during the peak times and at lunch time. However, Oxfordshire County Council will require such an arrangement to be annually reviewed in case demand for this bus services increases.
- 5.366 The applicants have offered £2,210,000 for the new bus service and the diversion of the S5 service. It would appear that the County are satisfied with this sum, although safeguards would need to be enshrined within a S106 agreement, in case these services failed.
- 5.367 Routes of the proposed public transport services are shown in Figures 6.2 & 6.3 of the TA, which the highway authority are happy with.
- 5.368 The car parking space dimensions stated in the TA (paragraph 4.5) are acceptable and take into account the design aspects expected from the Local Highway Authority (paragraph 4.5.3).
- 5.369 The County Council's Drainage Team are in favour of the SUDS proposals, however the information that has been submitted does not demonstrate/prove whether the proposed drainage strategy will work i.e. pipe networks should be kept to a minimum. The main concern raised is that the Drainage Design for the site should be completed prior the position of buildings & other structures being confirmed. Without this work the developer may have to re-design the development if they do not get this right. Consequently, a condition will be imposed to require the submission and approval of a drainage strategy across the site, prior to the submission of reserved matters.
- 5.370 Although there are no public rights of way on this site, the County's Rights of Way Group are keen to see onsite provisions for walkers and cyclists - as well as off site provisions for walkers, cyclists and equestrians to offset the impact of increased dwellings and commercial use. The measures outlined in the DAS on p76 (2.1.37) are supported by the Rights of Way Group.
- 5.371 In addition, there are a number of footpaths and bridleways in close proximity to the site that would benefit from off-road links to try and make the access safer for all non-motorised users. The specific details of the access points are set out in the full

County Council consultation response in **Appendix A**. However, given the current constraints on the current S106 package and the need to prioritise, these improvements are unlikely.

- 5.372 The LHA have stated that a full travel plan will need to be developed with the final site occupiers prior to occupation as part of the reserved matter application – an outline of the current travel data, targets and actions are already included but these will need to be updated when a full travel plan is produced.
- 5.373 There is no objection from the Highway Authority to the proposed development although aspects of detail would need to be secured by conditions and mitigations secured via a S106 agreement.
- 5.374 C Site (Arncott)
- 5.375 C Site is located to the west of Arncott Hill and is to the south-east of the Graven Hill development site. C Site is bounded to the north by Ploughley Road and Norris Road to the east. Along the eastern edge of the site is part of Upper Arncott with Murcott Road forming the south eastern boundary of the site. To the west of C Site are the railway lines and agricultural fields.
- 5.376 Vehicles generated by C Site access the site via two routes. Existing HGV traffic is routed via Palmer Avenue to deter such large vehicles travelling through the villages of Arncott and Ambrosden. This HGV route is signed and leads HGV traffic to the junctions of Palmer Avenue/B4011 and then the junction of the B4011/A41. Palmer Avenue is subject to a 60mph speed limit. Commuter traffic to C Site generally comes via the villages of Ambrosden and Arncott.
- 5.377 The redevelopment of C Site will take place in the northern section of the site and will mean the demolition of five large workshop/warehouse buildings along with several smaller support units. The proposed warehouse building will be around 70,400m² with areas provided for docking, storage, access, circulation, parking and queuing within C Site.
- 5.378 A total of 620 personnel will be employed at C Site and it is expected that up to 250 people will be on site at one time during each of the three shifts over a 24 hour period. A skeleton level of staff will occupy the site over weekends and bank holidays. The three shifts are made up of the following times: Early shift 0600 to 1415 (260 staff), Late shift 1400 to 2215 (260 staff) and Night Shift 2200 to 0615 (100 staff). While these shifts miss the standard traffic peak times, there appears to be no security provided that such shift times will not change and affect the standard AM and PM peaks in the future.
- 5.379 Staff Travel surveys have been carried out of existing staff on C Site; this has shown around 20% of staff currently travel to their place of work via a sustainable mode of travel. The Travel Plan that has been proposed proposes that this level is increased to a maximum of 75% over 5 years of C Site opening. Such an objective is seen as a realistic target by the applicant, and needs to form part of a S106 Agreement and will require a financial incentive to meet this target, which has not been provided by the applicants.

- 5.380 HGV deliveries are expected to be around 110 to and from the site throughout a day i.e. 220 in total (in & out trips). It is stated that the majority of these trips will take place between 0600 and 1300 hours (inbound trips). Outbound trips will leave C Site between 0500 and 0900, and 1700 to 2200.
- 5.381 With the consolidation of the MOD logistics from Graven Hill onto C Site it is expected that there will be an overall net reduction of traffic generation from this land use i.e. traffic movements from two sites reduce to one.
- 5.382 Again, the County have confirmed that the modelling for the County network is approved, subject to further detailed modelling of the specific access junctions, which could be conditioned.
- 5.383 Access to C Site for all vehicles, pedestrians, cyclists etc will be via the existing northern access point due to security reasons. The access will be re-modelled with the security gate being moved back from its current position of 46m from the road to just over 60m. This will increase the waiting/queuing capacity of HGV traffic within the base to deter any detrimental impact to the public highway.
- 5.384 There will be a number of internal changes to C Site with regards to the existing access road etc; such changes will be down to the needs of the MOD for C Site and are to remain private. Similar issues for the existing freight rail tracks.
- 5.385 The rail interface will be separate to the main warehouse. The Bicester International Freight Terminal at Graven Hill will be replaced by a new Road Rail Transfer Area located on the north-west edge of C Site.

6 Other Material Considerations

6.1 Affordable housing

- 6.2 The national Housing Strategy seeks to encourage a thriving, active but stable housing market that offers choice, flexibility and affordable housing. It highlights the importance of the housing market in achieving economic growth and social well-being. The Strategy aims to get the housing market and house building 'moving again'. It emphasises that urgent action is need to build new homes. However, the Housing Strategy also states, *"This strategy is not about building more homes at any cost. We know that the quality, sustainability and design of housing are just as important as how many new homes are built, and that getting this right is crucial if communities are going to support new homes"* (Executive Summary, para' 25). The Strategy is committed to improving the design and sustainability of housing. It states, *"High quality homes in high quality natural environments will support our plans for growth and are necessary for social, environmental and economic sustainability"*. It also defines well-designed homes and neighbourhoods as, *"...those that are attractive – reflecting local character and identity while featuring good architecture and landscaping – and also functional and durable."* (p. 55-56).
- 6.3 The Secretary of State for Communities and Local Government issued a Written Ministerial Statement: Housing and Growth (6 September 2012) statement,

announcing a package of measures to support local economic growth and the provision of homes to meet demographic needs. He advised that the need for new homes is 'acute', that supply remains constrained, and that a proactive planning system was needed to support growth. The Council clearly recognises this objective in its Proposed Submission Local Plan.

- 6.4 The applicants have presented two options to the Council; option one includes 30% affordable housing, equating to 570 units, comprising 399 dwellings affordable rent and 171 dwellings shared ownership. This meets the Council's current requirement of 30% and that contained within Policy BSC3 of the Proposed Submission Cherwell Local Plan 2012. However in achieving this level of affordable housing insufficient funding is proposed to provide a commuted sum for landscape maintenance, although it appears the applicants are still proposing that the Council should take on the ownership and management of the area. The provision of affordable housing is a material consideration in favour of the proposal. However, it is considered that this would not justify the grant of planning permission, for the reasons outlined in the concluding section below.
- 6.5 Basis for application
- 6.6 DIO state that the MoD continually examine ways of improving military capability and value for money for the tax payer. As part of this approach, the Department keeps the size and location of its bases under constant review and they state they are committed to ensuring the Estate is no larger than necessary to meet operational needs. Graven Hill has subsequently been identified for sale as part of this programme to transform logistics.
- 6.7 DIO assert that the application is of national importance, in the context of the MoD's requirement to increase its operational efficiency, reduce costs and rationalise its estate. Whilst this is a material consideration in favour of the proposal, it is not considered to outweigh the harm identified in the sections above such to justify the grant of planning permission.
- 6.8 Crichel Down and site disposal
- 6.9 For Government departments (including the MoD) considering the sale of surplus land, thought must be given to the Crichel Down Rules. Before placing land for sale on the open market, it is important for them to consider whether the Rules apply and if so, what steps should be taken to ensure compliance. The Crichel Down Rules provide that surplus government land which was acquired by, or under a threat of compulsion should be offered back to its former owners or their successors.
- 6.10 This issue is one for the MoD to manage as the land owner. The applicants have stated that Crichel Down only affects land they are planning to sell i.e. Graven Hill & that the rules allow them to consider the impact of changes to the site (infrastructure, buildings etc) since it was bought.
- 6.11 The applicants have stated that this process will take about 6 months to complete including allowing a period for a former owner/successor in title to request a Judicial Review.

6.12 **Statement of engagement**

With regard to the duty set out in paragraphs 186 and 187 of the Framework, Officers have sought to address the problems and issues throughout the application process, by working with the applicants and ATLAS. It is considered that the duty to be positive and proactive has been discharged through consistent negotiation and discussion with the applicants over the course of the application process.

7 **Conclusion**

7.1 The National Planning Policy Framework (NPPF) at paragraph 14 states 'At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...for decision taking this means⁵:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted⁶

7.2 In the context of this application, a view has to be taken as to whether or not there are any adverse impacts that would significantly and demonstrably outweigh the benefits of granting consent when assessed against the policies in the Framework taken as a whole.

7.3 The Council accepts that it cannot currently demonstrate that it has a five year housing land supply and recognises the contribution towards affordable housing provision as a material consideration in favour of the proposal.

7.4 Whilst the proposed development is contrary to the adopted Cherwell Local Plan insofar as they are not allocated sites for development, the land at Graven Hill is identified for development in the PSLP and as such is part of the emerging strategy to accommodate necessary development, accepting that the plan is in emerging stages and can only therefore carry limited weight.

7.5 Officers accept that the PSLP identifies a number of requirements for such development. However, as outlined in the relevant sections above, it is considered that any potential impacts of the development can be mitigated and secured through

⁵ Unless material considerations indicate otherwise.

⁶ For example, those policies relating to sites protected under the Birds and Habitats Directives and/or designated as Sites of Specific Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast, or within a National Park; designated heritage assets and locations at risk of flooding or coastal erosion.

suitable planning conditions and an appropriate S106 agreement.

- 7.6 In terms of viability, it is considered that the development of the site could make appropriate contributions to community infrastructure and affordable housing whilst still returning a reasonable return to both land owner and developer. Negotiations are progressing and given the current offer of community infrastructure, an appropriate S106 package needs to be achieved in order to mitigate the impacts of the development and create a sustainable, inclusive, high quality development. This requirement is reflected in the recommendation set out below.
- 7.7 In the context of the presumption in favour of sustainable development set out within the NPPF, it is considered that the proposal would result in sustainable development and for these reasons, the application is recommended for approval, subject to caveats set out below.

8. Recommendation

Approval, subject to

1. The delegation of the completion of the S106 negotiations to Officers in consultation with the Chairman
2. The completion of the S106 legal agreement
3. Conditions (draft conditions will be circulated to Members as soon as they are available)
4. Departure procedures

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.

CONTACT OFFICER: Laura Bailey

TELEPHONE NO: 01295 221824

Appendix 4



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant:

Mr Warren Francis Reid
c/o Framptons Town Planning, Mr Greg Mitchell
Oriel House, 42 North Bar
Banbury, OX16 0TH

Date Registered: 19th May 2016

Proposal: Full planning permission for 18,394 SQM (198,000 SQ FT) of logistics floor space, within class B8 of the town and country planning use classes order 1987, with ancillary class B1 (A) offices, together with access from A41 Aylesbury Road, associated site infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant.

Outline planning permission for up to 44,314 SQM (477,000 SQ FT) of logistics floor space, within class B8 of the town and country planning use classes order 1987, with ancillary class B1 (A) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval.

Location: OS Parcel 0070 Adj And North Of A41 London Road Bicester

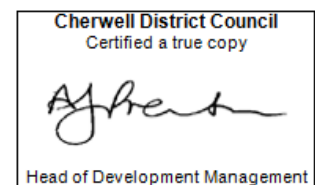
Parish(es): Ambrosden

PERMISSION FOR DEVELOPMENT SUBJECT TO CONDITIONS

The Cherwell District Council, as Local Planning Authority, hereby **GRANTS** planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information **SUBJECT TO THE CONDITIONS SET OUT IN THE ATTACHED SCHEDULE.**

The reason for the imposition of each of the conditions is also set out in the schedule.

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision: 8 November 2106

**Head of Public Protection
& Development Management**

SCHEDULE OF CONDITIONS

Full Planning Permission

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

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

- 2 The development hereby approved shall be carried out in accordance with the approved parameter plan and boundary plan, drawing numbers 4036-015 Rev P21 and 4036-048 rev p1 which sets out the minimum landscaping buffers to the boundaries of the site and the maximum built area of development.

Reason - In the interests of the visual amenities of the locality and to protect the residential amenities of the adjacent cottages in accordance with Policy c28 of the adopted Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

- 3 Upon the implementation of the development hereby approved, samples of the materials to be used in the construction of the walls and roofs of the development, together with details of their colour scheme, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the samples and colour scheme so approved.

Reason - To ensure the satisfactory appearance of the completed development and to comply with Policy C28 of the Cherwell Local Plan 1996 and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 4 Prior to the formation of the slab level for each building, full details of the external lighting for that building shall be submitted to and approved in writing by the Local planning Authority. Thereafter, the lighting shall be carried out and retained in accordance with the approved details.

Reason - To ensure the satisfactory appearance of the completed development and to ensure that the development does not cause harm to wildlife and their habitats, and to comply with Policy C28 of the Cherwell Local Plan 1996 and Policies ESD10 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 5 Prior to the formation of the slab level for each building, full details of the enclosures along all boundaries and within the site relating to that building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved means of enclosure, in respect of the buildings which they are intended to screen/serve shall be erected, in accordance with the approved details, prior to the first occupation of that building.

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

- 6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 7 Prior to the formation of the first slab level, a schedule of landscape maintenance for a minimum period of 10 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 8 a) No retained tree shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree" is an existing tree which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of 10 years from the date of this permission.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 9 Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy C28 of the adopted Cherwell Local Plan and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 10 Except to allow for the means of access and vision splays the existing hedgerow along the A41 boundary of the site, together with the existing hedgerows to the northern and eastern boundaries of the site shall be retained and properly managed to achieve a minimum height of 3 metres as soon as practicable, and thereafter be maintained at a height of not less than 3 metres, and if any hedgerow plant dies within 10 years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan, Policy ESD15 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 11 Upon the implementation of the development hereby approved, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all purpose built tree pits and associated above ground features, to include specifications for the installation of below ground, load-bearing 'cell structured' root trenches, root barriers, irrigation systems and a stated volume of a suitable growing medium to facilitate and promote the healthy development of the proposed trees, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 12 Prior to the formation of the first slab level, and notwithstanding the submitted details, full details, locations, specifications and construction methods for all tree pits located within soft landscaped areas, to include specifications for the dimensions of the pit, suitable irrigation and support systems and an appropriate method of mulching, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details and specifications.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 13 Prior to the commencement of development the following details shall be submitted to and approved by the LPA, comprising:

Details of the means of construction and drainage for the access between land and the highway onto the A41 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details - the visibility splay shall be kept clear of obstructions (including trees and other vegetation) above 0.6m high.

Reason - In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.

- 14 Prior to the commencement of the development hereby approved, full specification details of the site roads and turning areas to serve the development, which shall include construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the development, the site roads and turning areas shall be constructed in accordance with the approved details

Reason - In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.

- 15 Prior to the commencement of the development above slab level in zone 1 hereby approved shown on the approved parameters plan, full details showing car parking spaces and HGV parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of development in zone 1, the parking for that zone shall be constructed in accordance with the approved details. All car and HGV parking shall be retained at all times thereafter, unless otherwise agreed in writing beforehand by the local planning authority. Car and HGV parking shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government advice within the National Planning Policy Framework.

- 16 Prior to the formation of the slab level for each building, full details showing bicycles spaces (staff and visitors) shall be submitted to and approved in writing by the local planning authority. At least 50% of the staff spaces shall be under cover. The cycle parking shown on the agreed plan shall be provided prior to the first occupation of the development. The cycle parking shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure adequate cycle provision on site and to comply with Government guidance within the National Planning Policy Framework.

- 17 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk assessment (FRA)(May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002 and the following mitigation measures detailed within the FRA statement:
- a) Limiting the surface water run-off generated by the 1 in 100 year critical storm to 5 litres per second so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site
 - b) Provision of underground storage tank and swale as shown on drawing number 32765-2006-001 Rev B
 - c) Provision of flood storage as shown on drawing number 32765-2006-001 rev B

d) Hydrocarbon interceptor and wastewater treatment centre as detailed in the Drainage design Statement (April 2016/32765/2006/001 Peter Brett) and technical note 32765-2004-TN002.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority.

Reason - To protect the development from increased risk of flooding and in order to comply with Government guidance contained within the National Planning Policy Framework.

- 18 Prior to the formation of the first slab level, a scheme for sustainable urban drainage (SUDS) shall be submitted to and approved in writing by the local planning authority in accordance with a SUDS maintenance and Management Plan for the development in Zone 1 in accordance with the approved Flood Risk assessment (FRA) (May 2016/32765/3006/Peter Brett), Drainage Design Statement (April 2016/32765/2006/001/Peter Brett), technical note 32765-2004-TN002. This shall include a comprehensive maintenance schedule; a site plan showing the location of SUDS features and details; maintenance areas, location of outfalls. Responsibility for the management and maintenance of each element of the SUDS scheme will be detailed within the Management Plan. A health and safety plan will be provided where risks are involved in any maintenance activity. The scheme shall be implemented in accordance with the approved details.

Reason - To ensure satisfactory drainage of the site and to avoid flooding and in order to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance within the national Planning Policy Framework.

- 19 Prior to commencement of the development a Construction Environmental Management Plan (CEMP) in accordance with paragraph 12.7.3 of the approved Flood Risk Assessment (FRA) (May 2016/32765/3006/Peter Brett) shall be submitted to and approved in writing by the Local Planning Authority. This will detail the drainage scheme to control surface water runoff during the construction phase and measures to be adopted to mitigate the risk to ground and surface waters from contaminated surface runoff. The CEMP shall be implemented in accordance with the approved details.

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

- 20 Prior to commencement of development site infiltration test results in accordance with BRE365 shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To prevent increased risk of flooding and to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government advice within the National Planning Policy Guidance.

- 21 Prior to commencement of development, a Phase 2 intrusive geoenvironmental ground investigation shall be submitted to and approved in writing by the Local Planning Authority. This work shall assess the need for any remedial works with respect to soil and groundwater contamination (if present). This may be in accordance with paragraph 12.7.4 of the approved flood Risk Assessment (FRA) (May 2016/32765/3006/Peter Brett).

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 22 Notwithstanding the provisions of Class A of Part 8, Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 1995 and its subsequent amendments, the approved buildings shall not be extended or altered without the prior express planning consent of the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain planning control over the development of the site in order to safeguard the amenities of the area and avoid overdevelopment of the site and to ensure adequate on site parking and servicing provision is maintained, in accordance with Policy C28 of the adopted Cherwell Local Plan and Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Outline Planning Permission

- 23 No development shall commence on any phase of the development within Zone 2 until full details of the layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) for that phase of development have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

- 24 In the case of the reserved matters for development within Zone 2, no application for approval shall be made later than the expiration of five years beginning with the date of this permission.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

- 25 The development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason - This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

- 26 The proposed development shall not exceed a height of 15.5m measured externally from the approved finished ground levels.

Reason - To ensure the proposed development is in scale and harmony with its surroundings and to protect the residential amenities of the occupiers of the adjacent residential properties and to comply with Policy C28 of the adopted Cherwell Local Plan 1996, Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

- 27 Each submission of reserved matters for layout shall include details of the layout and construction, including drainage of the proposed provision for car, HGV and cycle parking including 50% undercover provision for cycles. The approved details for each building shall be implemented prior to the first occupation of that building and shall be retained thereafter.

Reason - In the interests of highway safety and to comply with Government guidance within the National Planning Policy Framework.

- 28 Development of buildings within each phase of Zone 2 shall not begin until a surface water drainage scheme for the development in Zone 2, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall be subsequently implemented in accordance with the approved details before the development is completed. The scheme shall also include:
- a) SUDS (OCC requirements include the provision of suitable vegetative SUDS (swales etc) and source control techniques to meet water quality objectives in a treatment train approach)
 - b) Discharge rates
 - c) (Assessment of the runoff rates and proposed attenuation measures to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS paragraph S2 and Cherwell local planning policy discharge volumes)
 - d) (Assessment of the pre and post-development runoff volumes to the greenfield condition to demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, paragraphs S4-S6 and Cherwell planning policy)
 - e) Flood Risk within the development
 - f) (Demonstrate compliance with Defra Non-Statutory Technical Standards for SUDS, Paragraphs S7-S9 and Cherwell policy. This shall include a drawing plan showing exceedance routes through the development and storage areas)
 - i) Maintenance and management of SUDS features
 - ii) Sizing of features - attenuation volume
 - iii) Infiltration in accordance with BRE365
 - iv) Detailed drainage layout with pipe numbers
 - v) Network drainage calculations
 - vi) Phasing
 - vii) These matters shall be covered in a comprehensive sustainable drainage statement submitted to the LPA

Reason - To protect the environment from increased risk of flooding and to comply with Government guidance within the National Planning Policy Framework.

- 29 The first submission of reserved matters shall be accompanied by a plan identifying the route and location of green infrastructure and footpath/cycle links from Zone 2 into the adjoining Bicester 12 allocation in accordance with paragraphs 3.10-3.15 of the UU. The green infrastructure corridors which shall incorporate the footpath-cycle links and be in general accordance with the details shown on drawings numbered 4036 - 013 Rev P26 and 4036 - 015 Rev P21 and shall be a minimum of 10m wide. The development shall be carried out in accordance with these approved details and the requirements of the UU prior to the first occupation of any building in zone 2 and thereafter retained and maintained in accordance with the approved details.

Reason - In the interests of sustainability and integration with the remainder of Bicester 12 by ensuring suitable footpath/cycle connections and to conserve and enhance biodiversity and habitat connections through green infrastructure links in accordance with Policy C2 of the adopted Cherwell Local Plan 1996, Policies ESD10 and Bicester 12 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

Full and Outline Planning Permission

- 30 Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the Application forms and following plans and documents:
- o Environmental Statement and accompanying documentation
 - o Design and Access Statement dated May 2016, except where subsequently amended by the revised submission
 - o Planning statement dated May 2016, except where subsequently amended by the revised submission
 - o Energy Statement dated September 2016 and accompanying reports by Couchperrywilkes
 - o 4036 - 000 Rev P01 - Site Location Plan
 - o 4036 - 015 Rev P21 - Parameters plan
 - o 4036 - 020 Rev P14 - Parameters comparison Plan
 - o 4036 - 021 Rev P03 - red line plan
 - o 4036 - 022 Rev P04 - Zone 1 Site Plan
 - o 4036 - 023 Rev P02 - GA Site Sections
 - o 4036 - 025 Rev P02 - GA Site Sections Comparison 1
 - o 4036 - 033 Rev P16 - Unit A1 Elevations and Sections
 - o 4036 - 036 Rev P10 - Unit A1 GA ground floor and roof plans
 - o 4036 - 037 - Rev P05 - Unit A1 ground and first floor GA office plans
 - o 4036 - 038 - Rev P04 - Unit A1 second floor Ga office plan
 - o 4036 - 040 Rev P10 - Unit 2 sections and elevations
 - o 4036 - 041 Rev P07 - Unit A2 - GA floor plans
 - o 4036 - 042 Rev P03 - Unit A2 - GA roof plan
 - o 4036 - 048 Rev P1 - A41 Boundary Comparison 1
 - o 4036 - 049 Rev P1 - A41 Boundary Comparison 1
 - o 4036 - 050 Rev P1 - Site Plan Comparison
 - o Landscape Management Guide by EDP received 14.09.16
 - o EDP2606/82J - Soft Landscape scheme 1 of 4
 - o EDP2606/83f - Soft Landscape scheme 2 of 4
 - o EDP2606/84J - Soft Landscape scheme 3 of 4
 - o EDP2606/85h - Soft Landscape scheme 4 of 4
 - o EDP2606/86f - Tree pit details and establishment of irrigation
 - o EDP2606/119b - Section A-B and C-D, Eastern boundary landscape treatment

- o Additional drainage strategy technical note by Peter Brett Associates in response to OCC comments dated 23.06.16
- o 32765 - 2004 - 0101 Rev D Section 278 general arrangement
- o 32765 - 2004 - 0112 Rev A Swept Path Analysis
- o 32765 - 2004 - 1202 Rev A Section 278 speed limit and traffic signs
- o 32765 - 2004 - 1203 Rev A Section 278 speed limit and traffic signs
- o 32765 - 2004 - 0510 Rev A - Zone 1 Drainage Layout
- o 32765 - 2004 - 0511 Rev B - Zone 1 Swale Layout
- o 32765 - 2006 - 001 Rev H - Units A1 + A2 Drainage Strategy
- o 32765 - 2006 - 002 Rev B - Units A1 + A2 Flood Storage Area
- o 32765 - 5501 - 001 Rev H - Proposed Access Arrangement

And shall generally be in accordance with drawing numbers: 4036-013 Rev P26 Indicative site masterplan; 4036-015 Rev P21 Parameters Plan; 4036-051 Rev P1 Illustrative context masterplan and EDP2606/50h Illustrative landscape and ecology plan.

Reason - For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

- 31 Prior to the commencement of the development hereby approved on any phase of the development, including any demolition and any works of site clearance, a Construction Environmental Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works consider the impact upon residential properties adjacent or surrounding the site, together with details of the construction and communication to be carried out with adjacent residents, and to ensure that works do not adversely affect biodiversity, shall be submitted to and approved in writing by the local planning Authority. Thereafter the development shall be carried out in accordance with the approved CEMP. The CEMP shall also include the following matters
- a) Signage for construction traffic, pedestrians and other users of the site
 - b) Controls on arrival and departure times for construction vehicles
 - c) Piling methods (if employed)
 - d) Earthworks
 - e) Hoardings to the site, including future adjacent development plots
 - f) Noise limits
 - g) Hours of working
 - h) Vibration
 - i) Control of emissions
 - j) Waste management and disposal, and material re-use
 - k) Materials storage, and
 - l) Hazardous material storage and removal

Reason - To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 32 Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):
- a) Daytime (0.700-23.00)
 - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
 - ii) Little Wretchwick Farm: 34dB LAeq
 - b) Night time (23.00-07.00)
 - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq

ii) Little Wretchwick Farm: 28dB LAeq

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 33 Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised by this submission.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 34 If contamination is found by undertaking the work carried out under condition 34, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

- 35 If remedial works have been identified in condition 34, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 34. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

- 37 Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed. In relation to Zone 1, if a future connection to the public system is proposed at a later date, it will require approval in writing by the sewage undertaker.

Reason - To ensure that the development is served by proper arrangements for the disposal of surface water/foul sewerage, to comply with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

- 38 Development shall not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason - To ensure the water supply infrastructure has sufficient capacity to accommodate the additional demand in accordance with Government guidance contained within the National Planning Policy Framework.

- 39 Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 40 Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition 39, a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

- 41 Prior to the formation of the first slab level an updated Framework Travel Plan that complies with OCC's travel planning guidance document 'Transport for New Developments: Transport Assessments and Travel Plans' for the whole site will be submitted to and approved by the LPA in consultation with the highway authority. Prior to occupation, workplace travel plans for each separate phase of the development will be submitted to and approved in writing by the LPA and consultation with the HA. The plans shall incorporate details of (i) the means of sharing and encouraging reduced reliance on the use of private cars at the development in favour of other modes of transport (ii) how employees can travel to the site by bus in the evening and at night time (7pm to 7am) and (iii) the means of implementation and methods of monitoring site related travel. Thereafter the approved Travel Plans shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance within the National Planning Policy Framework.

- 42 Prior to commencement of development hereby approved, a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. Thereafter the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details. The Construction Traffic Management Plan (CTMP) will need to incorporate the following detail:
- o The CTMP must be appropriately titled, including the site and planning permission number.
 - o Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - o Details of and approval of any road closures needed during construction.
 - o Details of and approval of any traffic management needed during construction
 - o Details of wheel cleaning/wash facilities - to prevent mud etc. in vehicle tyres/wheels, from migrating onto the highway.
 - o Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
 - o The erection and maintenance of security hoarding /scaffolding if required
 - o A regime to inspect and maintain all signing, barriers etc.
 - o Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
 - o The use of appropriately trained, qualified and certified banksmen for guiding vehicles/unloading etc.
 - o No unnecessary parking of site related vehicles (worker transport etc.) in the vicinity- details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
 - o Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
 - o A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 11 11. Final correspondence is required to be submitted.
 - o Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
 - o Any temporary access arrangements to be agreed with and approved by Highways Depot.
 - o Details of times for construction traffic and delivery vehicles.

Reason - In the interests of highway safety and to ensure construction traffic is routed to avoid unsuitable minor roads and to safeguard the amenities of the occupants of adjoining dwellings and to comply with Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

- 43 Following the occupation of each unit, no goods, materials, fixed plant or machinery shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

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

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

- 45 No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

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

- 46 Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement for enhancing biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 47 Prior to the commencement of the development, including any demolition and any works of site clearance, full details of the role, responsibilities and operations to be overseen by a qualified supervising ecologist shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be overseen by the qualified ecologist in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

- 48 Prior to the first occupation of each building within the development, a strategy shall be submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of each unit. The strategy shall include details of the number of apprenticeships and training posts, over what period of time they may be employed, where the apprentices may be placed within the company and where the apprentices may be taken from. The strategy will be implemented in accordance with the approved details.

Reason - In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with Government guidance.

- 49 Prior to the commencement of any development on the site, an Energy Strategy shall be submitted to and agreed in writing by the Local Planning Authority. The strategy shall include:
- o How climate change adaption measures will be incorporated
 - o How the development design will reflect fabric efficiency in its constructions
 - o Increased energy efficiency
 - o Sustainable construction
 - o District heating /combined heat and power feasibility study
 - o Renewable energy

The agreed energy strategy shall ensure that all buildings hereby approved are constructed to at least BREEAM 'Very Good' standard.

The development thereafter shall be carried out in accordance with the agreed strategy.

Reason - In the interests of sustainability and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

- 50 All buildings hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

Reason - to ensure sustainable construction and reduce carbon emissions in accordance with Policies ESD 1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 51 All buildings hereby approved shall provide electricity charging points for cars within the site, details of which shall be submitted to and agreed in writing by the Local planning Authority prior to the first occupation of each building on the development. The development shall be carried out in accordance with the approved details.

Reason - In the interests of sustainable development, and to comply with Policies ESD1-5 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

- 52 Any reserved matters submission within Zone 2 for layout shall be accompanied by a noise assessment undertaken in accordance with BS 4142 2014 which shall be agreed in writing by the Local Planning Authority. Noise mitigation measures required to protect the amenity of nearby residential occupiers shall be provided prior to the first occupation of any building within Zone 2 in accordance with the approved details and thereafter maintained in accordance with this condition.

Reason: in order to safeguard the amenities of the adjacent residential properties and to minimise the risk of nuisance arising from noise in accordance with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

PLANNING NOTES

- 1 Attention is drawn to a Legal Agreement related to this development or land which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
- 2 The District Council, as local planning authority, in deciding to approve this proposal has taken into account the Environmental Statement submitted with the application and any relevant representations made about the likely environmental effects by the public or consultees.
- 3 The applicant's and/or the developer's attention is drawn to the requirements of the Control of Pollution Act 1974, the Environmental Protection Act 1990 and the Clean Air Act 1993, which relate to the control of any nuisance arising from construction sites. The applicant/developer is encouraged to undertake the proposed building operations in such a manner as to avoid causing any undue nuisance or disturbance to neighbouring residents. Under Section 61 of the Control of Pollution Act 1974, contractors may apply to the Council for 'prior consent' to carry out works, which would establish hours of operation, noise levels and methods of working. Please contact the Council's Anti-Social Behaviour Manager on 01295 221623 for further advice on this matter.
- 4 Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 01635 268881.
- 5 Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
- 6 Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), the Council has worked positively and proactively to determine this application within the agreed timescales, having worked with the applicant/agent where necessary and possible within the scope of the application (as set on in the case officer's report) to resolve any concerns that have arisen, in the interests of achieving more appropriate and sustainable development proposals. Consent has been granted accordingly.

The case officer's report and recommendation in respect of this application provides a detailed assessment of the merits of the application when considered against current planning policy and guidance, including consideration of the issues raised by the comments received from consultees and members of the public. This report is available to view online at:
<http://www.cherwell.gov.uk/viewplanningapp>.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

TIME LIMITS FOR APPLICATIONS

By virtue of Sections 91-96 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, planning permissions are subject to time limits. If a condition imposing a time limit has been expressly included as part of the permission, then that condition must be observed. Otherwise, one or other of the following time limits will apply:

Where planning permission is given in outline subject to a condition reserving certain matters for subsequent approval, application for approval of such matters reserved must be made not later than the expiration of 3 years beginning with the date of the outline planning permission and further the development to which the permission relates must be begun not later than the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Where the planning permission is complete and is not in outline, the development must be begun not later than the expiration of 3 years from the date on which permission was granted.

OTHER NECESSARY CONSENTS

This document only conveys permission or approval for the proposed development under Part III of the Town and Country Planning Act 1990 and you must also comply with all the bye-laws, regulations and statutory provisions in force in the District and secure such other approvals and permissions as may be necessary under other parts of the Town and Country Planning Act 1990 or other legislation.

In particular you are reminded of the following matters:

- 1 The need in appropriate cases to obtain approval under the Building Regulations. **The Building Regulations may be applicable to this proposal. You are therefore advised to contact the District Council's Building Control Manager before starting work on site.**
- 2 The need to obtain an appropriate Order if the proposal involves the stopping up or diversion of a public footpath.

Data supplied by the National Radiological Protection Board (NRPB) and the British Geological Survey (BGS) suggests that the site of this application falls within an area which is potentially at risk from radon. This may require protective measures in order to comply with the Building Regulations if your consent relates to a new dwelling or house extension. Further advice on whether protective measures are required under the Building Regulations can be obtained by contacting the Building Control Manager on 0300 003 0200, fax 0300 003 0201 or E-mail at building.control@cherwellandsouthnorthants.gov.uk

- 1 The need to obtain a separate “Listed Building Consent” for the demolition, alteration or extension of any listed building of architectural or historic interest from the Local Planning Authority.
- 2 The need to make any appropriate arrangements under the Highways Act in respect of any works within the limits of a public highway. The address of the Highway Authority is Oxfordshire County Council, Speedwell House, Speedwell Street, Oxford, OX1 1NE.
- 3 It is the responsibility of the applicant to ascertain whether his/her development affects any public right of way, highway or listed building.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to grant permission or approval subject to conditions, you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.** The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that permission or approval for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Local Planning Authority, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State grants permission or approval for the development of land subject to conditions, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 5

**Site Address: OS Parcel 0070 adjacent
and North of A41 London Road, Bicester**

16/00861/HYBRID

**Ward: Bicester South and
Ambrosden**

**District Councillor: Cllrs. Anderson, Cotter and
Sames**

Case Officer: Linda Griffiths

Recommendation: Refuse

**Committee Date: 1st September
2016**

Applicant: Mr Warren Francis Reid

Application Description: Revisions to outline planning application 15/02316/OUT to comprise a HYBRID planning application for: Full planning permission for 20,067 sqm (216,000 sqft) of logistics floor space within Class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary Class B1(a) offices together with access from A41 Aylesbury Road, associated infrastructure including lorry parking, landscaping, amenity open space and sustainable drainage and private sewage treatment plant. Outline planning permission from up to 44,965 sqm (484,000 sqft) of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, with ancillary B1(a) offices, together with associated site infrastructure including lorry parking, landscaping, amenity open space, sustainable drainage and private sewage treatment plant. Details of means of access from Aylesbury Road are included for approval

1. Site Description and Proposed Development

- 1.1 The site is located approximately 3.2km to the south east of Bicester town centre and 0.5km north of the village of Ambrosden immediately adjacent to the A41. The site consists of three agricultural fields, predominantly used as grazing land. The site contains a steel-clad livestock barn which is accessed from a track directly to the A41. This building will be demolished as part of the development proposals. The fields are all well defined by existing hedgerows and trees. The site forms part of the wider Bicester 12 allocation for mixed use development within the adopted Cherwell Local Plan 2011-2031.
- 1.2 The site extends to 16.42 hectares (40.57 acres) and has frontage to the A41 along the whole of its southern boundary. Bordering the western boundary adjacent to the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages. Open agricultural land lies to the north and east of the site. To the southern boundary, opposite the A41 are two Grade II Listed Buildings. Graven Hill is situated to the south west of the site.
- 1.3 The application seeks consent for 65,032sqm (700,000sqft) of B8 logistics floor space with ancillary B1(a) offices. The application seeks detailed consent for the most eastern section of the site for 20,067sqm of B8 floor space across two buildings and site infrastructure including lorry parking, structural landscaping and drainage; and outline consent for up to 44,965sqm on the remainder of the site, also for B8 use with ancillary B1(a) offices. A new vehicular access is proposed to serve the development directly to A41 just to the east of the Ambrosden turn for which detailed consent is sought in connection with units A1 and A2, but would also serve the remainder of the site. The offices are indicated at the front of the buildings overlooking the car parking area. Landscape buffers are provided to the A41 boundary and to the eastern and western boundaries.

- 1.4 The application has been the subject to a number of meetings aimed at overcoming the issues identified in the reasons for refusal and other matters that have now been dealt with satisfactorily

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notices and a notice in the local press.

24 letters of objection have been received. The following issues were raised

- Some more green space has been introduced round the edges of the development but extent is inadequate for height of building
- Now no parking except a few places for the privileged, appears to return to 1950's where workers had to walk or cycle and thus live nearby
- Workers from Graven Hill will have difficulty crossing the A41 which is one continuous stream of traffic at peak times
- More HGV's will cause more pollution, traffic jams and noise. Noise from lorries reversing signals and lights at night for 24/7 operation
- Development will be ugly and in the wrong place, too close to houses and schools and will spoil the skyline for generations to come
- Too close to River Ray and its catchment, need to listen to drainage experts at OCC and Thames Water
- Will be the first thing you see coming into Bicester from A41, not the garden town idea, important that any entry point reflects care and respect of the environment
- Next to the motorway like Banbury is a better location
- Difficult to comprehend the need for more logistics floor space in Bicester as well as Graven Hill
- This application should not be viewed in isolation from the remainder of Bicester 12, it is essential a master plan is in place before individual planning decisions are made
- Also understand a master plan for whole Bicester being currently scoped, this will be pointless if individual decisions have already been made
- Bicester does not need further warehousing in addition to that already approved at Skimmingdish Lane and that submitted at Howes Lane.
- Proposal dwarfs Wretchwick Farm cottages and completely disregarded the concerns of its residents
- Development needs to cater for high technology industries to reduce the level of out-commuting
- Promoter claims that employment generated by the site would be 930 jobs. This is an overestimate and under 75% would be achievable. Jobs in fully automated would be considerably less, most of which would be lower paid
- Would like to see plans for this whole area completely re-evaluated with a view to creating a far greater number of well landscaped low impact units, supporting new environmental or green technology industries and providing highly paid jobs
- Disturbance to natural environment – wildlife such as bats, red kite, deer, great crested newts, rare butterflies and badgers, flora and fauna
- Strongly urge councillors to uphold the heritage of Bicester and ensure all further development is in keeping with the history as a market town, the designation of a garden town and encouraging retention of large green open spaces, wildlife areas and innovative, considerate developments rather than simple large scale industrial warehousing, shed city may be more apt

- This hybrid application shows 2 buildings at the far east of the site with the remainder unplanned. This is speculative and the danger is that the 2 proposed buildings will be erected and the remainder left undeveloped
- Traffic on A41 is already at dangerous levels for vehicles turning into and from the junctions near Bicester. Existing traffic from Ambrosden at peak times has to queue to turn safely onto or across A41. This development will add a further dangerous T-junction. Traffic to/from the warehouses will have to cross in front of oncoming traffic and will be constrained by the low bridge at the A41 junction to Blackthorn/Launton
- Bicester has insufficient road capacity
- Proposal will negatively affect the LWS (Meadows NW of Blackthorn Hill) and the River Ray CTA. BBOWT should be consulted. BBOWT has many sites around Blackthorn and the detrimental effects of this development on plants and animals should be examined by our Wildlife Trust
- The site itself has intrinsic local environmental value as stated in the ES. Surveys show the presence of a breeding population of the rare brown hairstreak butterfly as well as endangered farmland birds. On the red list for Birds of conservation concern found on the site are song thrush, linnet and yellowhammer and on the amber list green woodpecker and dunnoek. Concerned that the site provides any space for biodiversity gain as required by NPPF, if not there should be compensation for loss
- Drainage from the site will be large in volume and polluted from diesel. This area is already low-lying and run-off from the buildings will add to the difficulties of water management
- Signage on the buildings should be restricted in size, not illuminated and erected at a height that is not visible in the wider landscape setting
- Landscape screening proposed will be of limited use in screening such large buildings
- Details should include modelling of the proposed landscaping
- Grey is not helpful in reducing the impact of these buildings
- Lighting and night time working should be restricted
- The shadow analysis provided is wholly misrepresentative in terms of its impact upon nearby property and loss of light
- No details of planning obligations or CIL. The business rates generated should also be within the public domain to assess any benefits of the scheme
- This is speculative and already being marketed by Savills stating 'development opportunity' and target delivery date of Autumn 2017.
- Junction 9 of M40 is already overburdened
- Changes to HYBRID application do not address the objections raised in respect of the outline
- Traffic impacts should not ignore adjacent county and communities
- Other than A41, B4011 is the ONLY southbound road in the vicinity of the application without a weight restriction on it
- Development likely to have a significantly detrimental effect on both Oakley and Long Crendon
- No public transport links near the site, the nearest bus stop is in Ambrosden and the route is not well serviced
- Wording indicates the object is to achieve BREEAM 'very good', however this does not indicate commitment only an intention. Ideas for self-sufficient green energy have not been built into the development
- As an eco-town the standard should be BREEAM excellent

The above letters of objection can be read in full on the application file.

2.2 Langford Village Community Association representing 4,500 residents also object as follows:

1. Should not be viewed in isolation but for Bicester 12 in its entirety, master plan should be in place before making a decision. Premature to Bicester master plan which has yet to go out to public consultation
2. Contrary to NPPF
3. Contrary to Economic Development strategy 2011-2016 which recognises that Bicester has every opportunity to become a location for higher value and knowledge based business
4. Contrary to adopted Cherwell Local Plan 2011-2031

The above comments can be read in full on the application file.

2.3 Significant objections have been received from the occupiers of Wretchwick Farm Cottages adjacent to the site whose concerns are summarised as follows:

- Multisite access points contrary to Local Plan and proposed primarily to justify early development of this portion of site 12, and not the development of site 12 as a whole
- Increased traffic volumes along this section of A41 which is already at capacity and will negatively impact on existing junctions
- Issues with OCC assessment and inaccuracies in the submitted Transport Assessment
- Inaccurate and misleading traffic survey on A41
- Visual impact and loss of light due to height and location of warehouses
- Noise nuisance – the combination of the proposed developments of an employment hub across Akeman Park and Wretchwick Green consisting of light industry and huge B8 distribution warehousing to the rear on both sides of the property, effectively surrounding the property will create an unbearable and unacceptable level of additional noise nuisance, possibly 24/7
- High buildings will also act as a reflector, bouncing noise from A41 to the rear of these properties
- Vibration nuisance from HGV's. The ES states ' due to the type of development proposed and its distance from the nearest sensitive receptors, the construction phase of the proposed development is unlikely to give rise to significant vibration at sensitive receptors, it has therefore not been assessed further. This was highlighted in the objections to the outline application and have not been addressed
- Light nuisance
- Air pollution
- Loss of visual amenity
- Loss of privacy
- Impact on notable species
- Impact on River Ray Meadows Conservation Target Area
- Impact of lighting on wildlife
- Warehouse designs and lack of sustainability
- Impact of rights of way
- Incorrect estimate of job numbers
- Speculative plans
- The location and design of the massively intrusive warehousing proposed for this site is totally inappropriate. The size and nature of B8 distribution warehousing means that this site, as proposed, is incapable of generating the 1000 jobs claimed by the applicant and as required by the Local Plan. More importantly for us, the development would make life in our homes completely intolerable.

This comprehensive objection can be read in full on the application documentation.

2.4 A petition containing 200 signatures has also been submitted objecting to the application on the following grounds:

1. The development is only reduced 7% from the original plans and will destroy the characteristic farmland entrance to 'Bicester garden Town'. The entire site goes against 'eco-town' principles
2. It will cause intolerable increased traffic with attendant road safety hazards. The residents will experience increased noise, light and air pollution from lorries and workers vehicles arriving and leaving 24/7
3. The one business proposed in this hybrid, in an attempt to push for an early approval only offers 85 of the 1000 jobs promised. This is less than 10% of the employment in over 1/3 of this 700,000 sqft space, and the other building complex is speculative. None are designed to offset carbon footprint with no renewable energy provisions
4. Onsite biodiversity will be ruined as will wildlife in the adjacent wildlife site
5. The water run-off and the water table will be severely affected
6. There are numerous empty warehouse sites in the district, and Graven Hill is already suitable and can be preferably used. Plans for at least 3 other warehouse sites are in process in Bicester.

3. Consultations

3.1 **Bicester Town Council:** strongly object on the following summarised grounds:-

- While partly meeting some of the requirements of Policy Bicester 12 it fails to meet others
- Conflict with local plan policy related to sustainable economy. B8 units will have limited ability to create a lower carbon economy and more jobs in the knowledge based sector and this development represents poor design in that effectively there will be buildings that do little to attempt to merge into the surrounding developments and character of the area, especially in relation to Wretchwick Farm Cottages.
- Policy Bicester 12 emphasises the provision of B8 be considered 'primarily', this is different to predominant and does not prescribe there should only be B8 provision. In this application B8 use is the predominant use and therefore falls outside of the plan. Little attempt of any to liaise with the developers of the remainder of Bicester 12.
- Contrary to Policy SLE1 in that it would have an adverse impact on Wretchwick Farm Cottages in terms of scale and proximity to them. Landscaping will take years to mature and provide effective screening. In addition to massing, impacts of air quality, noise and vibrations due to HGV movements on the site, compounded by 24 hour usage. Little evidence of an attempt to integrate the development with the rest of Bicester 12.
- Transport – proposals under Policy SLE1 should 'not give rise to excessive or inappropriate traffic'. The necessary infrastructure needed to support the operation of these B8 units to provide direct access to the M40 and A34 detailed under paragraph B.73 does not currently exist, the SE Relief road being some years from completion so majority of vehicles will have to use the already congested route along A41 to Junction 9 of M40. The need for vehicle movements exiting the site to turn right onto A41 with the proposed junction creates the potential for serious accidents as is evidenced by the junction at Peregrine/Wretchwick Way. Independent consultants engaged by Ambrosden Parish council recommend a roundabout id the safest type of junction.
- Contrary to Policy SLE4 which states 'encouragement will be given to solutions which support reductions in greenhouse emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have severe traffic impact will not be supported' Given that the development will come ahead of any residential development at Bicester 12 there will not be a network of cycle and pedestrian routes into the site which will further generate additional car movements to access the site.

- Community consultation - views of the local community do not appear to have been taken into consideration by the applicants, this fails to regard paragraph 66 of the NPPF
- The development of 'primarily B8' units in this location is in direct conflict with the aspiration contained in the parts of the Plan highlighted to support Bicester's attraction to businesses in the knowledge based and high technology sectors
- B8 should be considered at Graven Hill in advance of B8 development in other areas such as Bicester 12
- Concern that B8 will not deliver the number of jobs envisaged
- The proposed development is not in accordance with paragraph 14 of the NPPF, it is not sustainable in terms of design, transport, economy, integration with other proposed development and amenity of local residents. The material considerations outweigh any benefits that might be gained and therefore planning permission should not be granted,

The above mentioned comments can be read in full within the application documentation.

3.2

Blackthorn Parish Council object as follows:

- Increased traffic on A41
- Further congestion through Bicester
- Lack of provision of employee car parking
- Access onto and off A41

3.3

Ambrosden Parish Council: maintain an objection to the development of this site for B8 uses. Ambrosden PC has retained the services of Transportation and Flood consultants and their updated reports will be provided under separate cover. The objections are summarised below as follows:

- Levels, the DAS states a cut and fill approach to site levels and drainage while appendix G of the Peter Brett report states that floor levels will be above existing ground levels
- Claim the heights of buildings are reduced, but increase in levels could be interpreted that finished roof levels will actually be 1m above that proposed in original outline. Developer should be required to confirm finished floor levels now and provide accurate site sections and photo montages to demonstrate the impact, together with up to date visual assessments to reflect the increases in ground level
- Development of brownfield sites should occur before greenfield such as former Lear site Bessemer Close
- Accept this is part of Bicester 12 allocation but that does not give any advice as to the locations of commercial or residential development. The original smaller allocation had a strong relationship with the existing commercial uses on Charbridge lane. No justification has been submitted for this part of Bicester 12 to have commercial use.
- Visual impact, no assessment has been made when travelling west along A41 to Bicester or Ploughly Road from Ambrosden with the exception of assessments from the far extremities of these zones. Midpoint assessments should be made, the visual impact will be excessive with a 0.5m length of skyline being unremittingly blocked by a large mass of buildings. Proposed buildings will dominate the skyline from Ambrosden, removing any visual separation between Ambrosden and Bicester.
- Scale of planted buffer zones which in some areas is 10 or less is insufficient
- Repositioning the buildings in phase 1 to move them further from A41 is appreciated, however, those in phase 2 now appear to be closer
- Impact on neighbouring dwellings is excessive contrary to paragraph B.42 of the local plan

- Transport report has been updated but still does not appear to have addressed the Parish's concerns about impact on traffic flows on A41 and Ploughley Road junction or an assessment in the increase in traffic flows through Ambrosden which is used as a rat-run to Oxford
- TA assumes majority of employees and traffic will come from Bicester via A41, there is no justification for this assumption.
- No assessment has been made of traffic turning right from the Ploughley Road junction
- Impact on B4011 has not been fully considered and the accident data presented is misleading
- The proposal for a vehicular access on A41 is surprising considering the accident data for the junction of LC Hughes with A41 just to the east. It is suggested that either traffic lights, or a roundabout will be the only safe way to provide access
- Application proposes that a footway and cycle path will be created on north side of A41 with a traffic island enabling connection with the cycle path to the south side, this has not been maintained and is very overgrown and currently unsafe and fit for purpose. Rodney house roundabout is an accident blackspot and the proposal contains no proposals to provide safe crossings for cyclists.
- No assessment of safety impacts of creating a pedestrian island on A41 in a 50mph zone
- Surface water flooding issues have not been addressed
- With the exception of tree planting, no ecological enhancements to offset ecological loss, such as green roofs, bird and bat boxes, enhanced habitats
- Impact on Thames Water main which was installed about 10m to the north of A41 about 4 years ago, thus impacting on landscaping proposals
- No proposals to off-set the proposed energy use of this development
- Major site, in an isolated location separated from the rest of Bicester or surrounding villages with no proposals for childcare facilities to serve the 1000 staff and no facilities for shops or food provision.

The above comments can be read in full on the application documentation.

Ambrosden Parish Council have commissioned a Highways Technical Report in respect of both this hybrid application and the previous outline consent against which an appeal against non-determination has been lodged (15/02316/OUT refers) by Paul Basham Associates. The findings of that report are summarised as follows:

- The robustness of the background data in the Akeman Park TA was originally questionable but subsequent work by the consultant has increased the robustness of the data and modelling. However, the closest junction to the site access, which is likely to be most affected by the proposed development, has not been surveyed or modelled and this is a specific concern for Ambrosden Parish Council
- The Akeman Park TA has not used the busiest time periods for the calculations. Based on the number of jobs expected at Akeman Park, peak hour vehicle movements might be significantly higher than calculated in the TA. The distribution of development traffic is unclear and it is very unlikely that no development traffic would travel through Ambrosden
- The proposals cannot currently deliver adequate sustainable transport connections. The existing shared footway/cycleway south of the A41 is unsuitable for cycling and there are no proposals within the TA to upgrade this link. As there are currently no other cycle routes into Bicester, the proposed development can therefore not deliver safe cycle links to Bicester until Bicester 12 is developed
- The pedestrian refuge should not be implemented without speed reduction measures and it is considered that visibility for pedestrians is sub-standard at this location. No information is provided on the design or location of the bus

stops. The applicant should provide preliminary drawings of the bus stop proposals and commission an independent Stage 1 Road Safety Audit to demonstrate how the sustainable transport proposals can be delivered safely.

- The Akeman Park TA does not describe any accidents on the Ploughley Road junction as the causation factors were not considered related to road layout. There were, in fact, five accidents including one resulting in serious injuries in the latest 5-year period. Two of the five accidents on the Ploughley Road junction include turning movements and might have been the result of excessive speeds and poor road layout.
- The proposed ghost island priority junction site access is not appropriate due to the volume of traffic and speeds on the A41. A roundabout would allow the HGVs a safe right turn out of the development and could incorporate safe pedestrian crossings.
- A 4-armed site access roundabout incorporating the Ploughley Road junction would provide safe access to the proposed development and deliver significant betterment to the local road network by improving conditions for right turning vehicles out of Ploughley Road and providing safe pedestrian crossing opportunities.

The above report can be read in full on the application file.

OCC as highway authority have been asked to comment on the above. Their response is discussed within the main body of the report.

Cherwell District Council Consultees

3.4 Planning Policy Officer: comments as follows

- The application proposals are on land allocated in the Local Plan 2011-2031 for mixed use development (housing and employment), including 1,55 new homes and 40 hectares of employment land. The local Plan policy relates to the allocation is Policy Bicester 12 (SE Bicester) and the allocation is shown on Bicester Policies Map 5.2 and inset map Bicester 12. The principle of employment development in this location is therefore established and the site has an important role to play in the delivery of new employment development to support the growth in housing and to reduce out commuting at Bicester. The proposal for employment development is consistent with Policy Bicester 12 in this regard
- Policy Bicester 12 identifies employment use classes; B1, B2 and B8 (primarily B8 uses) for the site. The application proposals are in line with policy Bicester 12 with the application proposing B8 uses with ancillary B1 uses. It is noted that B2 uses are not proposed in the application which is inconsistent with the policy. However, market signals will need to be taken into account
- With this application only covering part of the allocated site there are some concerns over the delivery of sufficient employment development to enable consistency with the Local Plan; concerns relating to effective master-planning and integration; and the delivery of necessary infrastructure in the Local Plan
- The area of land covered by the application proposals is 16.4 hectares and the total employment provision in Policy Bicester 12 is 40 hectares. In terms of job creation, the applicant anticipates about 1000 jobs will be created through the development. As the applicant highlights, about a third of the jobs in the Local Plan will be provided on about a third of the land designated for employment uses. The application will therefore not provide all the employment set out in the Local plan policy. However, the delivery of employment development is phased in the Local Plan employment trajectory with 14,000 sqm anticipated for 2011 to 2016, 70,000 for 2016 to 2021 and 56,000 sqm between 2021 and 2031. It is also anticipated that employment

development will be provided on other parts of the allocated site. There will need to be sufficient confidence that the overall requirements of Policy Bicester 12 can be met.

- Through the Local Plan Part 1 process a mixed use site for housing and employment was supported by the promoter of the land to the north west of the application site (on the remainder of the Bicester 12 allocation). A scoping request has been submitted to the council and a public exhibition has also taken place for the wider site. Therefore it is anticipated with some confidence that further employment development will be provided here during the Plan period. There is however, no planning application approved or submitted for this area of land and an application for the whole site would be preferable to ensure effective planning. There is a requirement for a comprehensive masterplan in Policy Bicester 12. This would provide some certainty over the delivery of the allocated site and different elements of the policy.
- The location of the application proposals, in the south eastern part of the allocated site, is considered to be in principle a suitable location for employment development with access to the A41 and with least potential impact on the SAM and the majority of existing homes. This is consistent with the recent public exhibition material for the wider site.
- Consideration needs to be given to how the proposed development would be integrated as part of the larger development should it be proposed to bring forward the application site ahead of the rest of the Bicester 12 site. The proposed development in the application would not be acceptable in isolation.
- The policy requires a mixed use development which will enable the delivery of important infrastructure in the area to support wider proposals for the town. The policy requires the safeguarding of land for future highway capacity improvements to peripheral routes. It will need to be explored as to whether an application for this site alone as part of the wider allocation would preclude the effective delivery of infrastructure and other requirements of the policy such as open space provision. The applicant suggests that the development can be delivered early as it does not require significant infrastructure to facilitate its delivery
- Policy Bicester 12 sets out a number of policy requirements and key site specific design and place shaping principles against which the planning application should be considered
- Without compromising necessary operational and market requirements, in line with the NPPF and Local Plan 2031, a high quality design should be sought. The policy requires a well-designed approach to the urban edge and this will be important in this gateway location to the town. Paragraph B.42 of the Local Plan states that very careful consideration should be given to locating housing and employment in close proximity. The impacts of new employment development in relation to new and existing homes will require careful consideration through a master-planning approach
- The proposals should also be considered against other policies in the Local Plan 2031 including Policies ESD10, ESD13 and ESD15 in order to determine any unacceptable impacts on the historic or natural environment, including landscape. There should also be appropriate compliance with policies relating to climate change and sustainable transport (as listed above)

Policy recommendation

Overall the proposals are for employment use and therefore consistent with Policy Bicester 12 which allocates this land for a mixed use development. The wider allocation is identified as a sustainable location for growth. The principle of employment development in this location is established and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. How the site would be integrated as part of a comprehensive scheme for the implementation of Policy Bicester 12 should be considered including whether any phasing conditions would be required. The

proposed development would not be acceptable in isolation. There should be sufficient confidence that the overall requirements Policy Bicester 12, including with respect to infrastructure provision, can be met.

3.5 **Ecology Officer:** comments as follows

It seems that slightly more land has been put aside for landscaping in this hybrid application. I have been sent a Biodiversity metric (using a DEFRA model) in response to comments on the outline application which suggests an overall net gain in biodiversity is achievable with the proposed habitats on site. Such a metric is a good starting point for discussion however a number of issues are raised as follows:

- No detailed landscape plans and therefore difficult to tell if all the habitats claimed can be 'fitted in' the space available
- Hibernacula is included as a habitat – this should be included in scrub or grassland not a habitat in its own right
- All habitats have been listed on site a 'poor' condition – is this justified for scrub etc?
- Their projections for the semi-improved neutral grassland of medium distinctiveness (with good condition within 5 years) is quite ambitious especially given that much of this grassland is likely to be in fairly thin strips at the edge of the site or in between planting and will be subject to some amenity use. To achieve 'good' condition the habitat will have to meet all the criteria in the FEP handbook for Lowland Meadow. Warwickshire County Council for example put this at 10-15 years. They have also put the difficulty of creation as low for all habitats and I am not sure I agree with that. This refers to 'restoration' of grassland rather than 'recreation' under DEFRA guidance. How do they propose to achieve it by restoration?
- Why is habitat distinctiveness raised to medium for post development scrub?

I would still look to have enhancements on the buildings themselves where possible to ensure an overall net gain in the long term – habitat boxes, green roofs etc. As this has been submitted outside of an overall master plan it is likely that this will have to lead to missed opportunities for landscape scale green infrastructure and for making enhancements as contiguous habitats with other sites.

I could not see any further information on the earthworks and their potential impact on the current hedgerow/ditches although I appreciate the text of the ES states this will not be affected – how will they ensure this?

In general they have addressed mitigation for the protected species and the habitats found on/near the site – hairstreak butterflies, great crested newts

An Ecological Construction Method Statement and full landscape and ecological management plan for areas of landscaping. A number of conditions are recommended.

3.6 **Economic Growth Officer:** Supports this proposal as follows:

- The commercial property market in Bicester over the past decade has not effectively operated to satisfy the needs of expanding businesses and inward investors. This has already delayed the implementation of the council's adopted economic development strategy and created a latent demand amongst a range of Bicester businesses
- The construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur). This has been contradictory to the sustainable objectives of providing local employment opportunities for residents
- The traditional notion of 'warehousing' is not appealing in itself but the

inclusion by the applicant of an industry factsheet on the modern logistics sector is helpful in illustrating how modern 'logistics' creates employment in general terms. The fact of the matter is that day-to-day life is based around supply chains which require premises to operate from and employees to work within. The size of units reflects the tendency for Cherwell to be attractive to regional distribution businesses, as opposed to larger scale national distribution hubs in Milton Keynes/Crick

- It is unclear who the occupiers will be but it may be helpful to reflect that many of Bicester's established and well-loved businesses fall within this planning classification (B8), and some of them are seeking premises to expand into which may then lead to premises becoming available for various other businesses to occupy, as experienced in Banbury
- Without knowing the final occupiers, it is also difficult to anticipate whether some elements of manufacture could be incorporated, or perhaps additional office space required to suit an HQ occupier. The applicant may wish to expand upon this, and also consider how the needs of small businesses might be met. Overall, however, the nature of this investment is that the buildings could be adapted to meet the specific needs of occupiers in years to come which would adapt to changing business need and support the resilience of the local economy.

3.7 Environmental Protection Officer: I have examined the noise and lighting specialists reports. As the final nature and occupiers of the proposed site is not known at this time I am unable to set absolute limits for noise from the operations, however, I have used the noise specialists report to bench mark the existing noise climate at the closest noise sensitive locations and to use these bench marked background sound pressure levels to condition the application so that noise complaints were unlikely from residents in these locations for mechanical plant.

A number of conditions are recommended relating to construction, noise from mechanical plant and transport and lighting. The detail of which can be read in full on the consultation response on the application documentation.

I have reviewed Section 9 of the PBA Environmental Statement submitted in support of this application. The report has concluded that the impact of the construction phase (provided by the appropriate mitigation measures listed are incorporated into the Construction Environmental management Plan) and the operational phase of the development are negligible overall for particulate and nitrogen dioxide concentrations. There is a slight worsening of predicted air quality with the development compared to without. The report concludes that the impact of the development is negligible on air quality.

This assessment has been undertaken in line with current best practice guidance. It is noted that this section of the report seems to have been written before the Bicester Air Quality Management Area was declared. It is noted that the sensitive receptors modelled are those close to the development. It is also noted that the transport data used in the assessment is that which is found in section 8 of the ES.

The assessment of the risk to air quality is acceptable. I would like to see measures to incorporate low vehicle emission vehicle technologies into the developments operational phase to enhance the environment through the use of better emission technology e.g. vehicle charging infrastructure in parking bays and reduce the impact of the development on air quality.

3.8 Landscape Officer: comments as follows

EDP Photo-view 1 – with consideration of the 9m telegraph pole in the middle ground, combined with the 280m approximate distance (measured on GIS Arc map) between

the viewer and the northern (nearest corner) of the unit, the proposed height of the unit of 15m will appear taller than shown on Photomontage 1, I now, therefore judge the magnitude of change to be **high** which combined with the **high** sensitivity of the visual receptor, the Significance of Effect is **major/medium** (adverse) – refer to table A2.9 Significance matrix for landscape and visual effects.

At year 15 it is claimed in the EIA that the residual Magnitude of Change (M of C) is medium because of the 'new and recognisable development'. I would judge the M of C to be **high** because the narrow landscape buffer on the northern boundary will provide inadequate landscape mitigation in respect of height, depth and density. With a high sensitivity for visual receptor the significance of Effect will be Major/moderate (adverse). This indicates to me that a wider landscape buffer with elevated landform with large indigenous trees, a percentage of which should be evergreen conifers for winter screening of the elevations (a winter view is not recorded and with the narrow band of proposed trees with noticeable gaps between the units will present a more harmful effect on the visual receptor. The current landscape proposals on the Indicative Site Master Plan 4036-013 P23 do not provide the appropriate level of screening because the landscape buffer on the north facing site boundary is too narrow resulting in denuded tree cover. The width of the planting area is only 5m in the west down to 2.5m wide in the east. In order to achieve the required tree screen the width should be at least 10-15m wide. Large native deciduous and conifer trees should be planted 5m apart. If the required cannot be achieved on site then off-site structural tree/woodland planting adjacent to the northern boundaries will be essential.

EDP Photo-view 2 – even though detracting view of the scrap yard spoils the view of Graven Hill there is still a degree of amenity for the visual receptor, however the visualisation and warehousing units will further detract from the amenity of Graven Hill and cause visual harm; a cumulative and harmful impact and effect on the views, which will remain so at year 15 with the inadequate landscape mitigation proposed. The M of C is therefore **high**, combined with the high sensitive of the receptor, meaning a S of E of **major/moderate** (adverse) at year 15, not the moderate/minor adverse effect indicated in the EIA.

This just indicates the importance of providing the appropriate depth of tree/woodland buffer to the northern boundaries.

In terms of EDP Photo view 11, these are as above.

EDP Photo-view 4 – because of the scale, height of the warehousing development 'provide a new and recognisable element to the view' which will have a cumulative harmful effect on the receptor when the B12 mixed development is built (even more so in winter when intervening vegetation is out of leaf). This effect is compounded by the inadequate landscape planting proposed. A **Major/moderate** (adverse) S of E, due to the High sensitivity of the receptor and High M of C, which will not improve unless a percentage of trees are native conifers that will provide the appropriate level of mitigation in winter when deciduous trees are devoid of leaves. I take issue with the EIA statement that at year 15 the mitigation plant will reduce the magnitude of change to low.

EDP Photo- views 6 and 8 – the mitigation planting along the southern boundary will not be of sufficient height, depth of density to suggest the minor adverse effect in the LVIA at 15 years. The effect will be **Moderate adverse** dependant of the less visually sensitive road user, however, pedestrians use the highway and development will be slightly more harmful for them. Therefore, the depth of woodland/tree planting along A41 frontage must be increased to provide a better screen for roadside visual receptors.

EDP Photo-View 9 – the S of E will be **major/moderate** (adverse) because the walker-receptor will have High sensitivity and the M of C will also be High. The S of E result will remain up to year 15 beyond unless a substantial woodland/tree structure planting is proposed. Again the depth of woodland planting must be increased, and also combined with off-site woodland/tree planting.

EPD Photo-views 12 and 13 – for the distant views the harmful cumulative effects (combine with B12) will experience to a degree by receptors on the PRow and so I would correct the S of E to **medium** (adverse) at years 1 and especially at year 15 if the landscape mitigation proposals are not improved.

Conclusion – a characteristic of the locality is indigenous woodland, e.g. Graven Hill. Therefore in recognition of this land between the units and the site boundaries should be planted as dense woodland.

Update

Following the receipt of revised drainage proposal which have been incorporated in part into the existing landscaped areas, further comments are as follows:

- Remain concerned about the landscape impact and advises that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping. The two are not compatible as shown. This is in order to maximise the overall mitigation/screening effects intended with the higher tree density. Furthermore the drainage system maintenance and refurbishment will result in tree removal and drastic pruning, and the drainage maintenance way-leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure.
- In terms of the LVIA, the physical evidence of the height, depth and length of the units with the aid of scaffold towers/surveyors poles denoting proposed height and locations. The physical evidence can then be recoded from agreed photoview locations and the growth rates of proposed planting at year 1 and year 15 projects with photomontages to enable further consideration of the proposal.
- GI in the car parking bays needs to be increased to provide shade along the central runs at a density of 1:5 bays Species selection Platanus x hispanica – root soil volume = 15m³ per tree, this also provides an opportunity for water attenuation of run Off from flash flooding of the car parking area and large roofed building as well as providing meaningful tree cover and shade to parked vehicles. In time these substantial trees will also provide a degree of screening to the proposed building
- Hedge planting across the site – this provides little opportunity to screen such a large and imposing building. Standard containerised trees, such as Field Maple offer screening opportunities
- Species choices for shelter belts – due to the necessity for dense shelterbelts and the capacity for Italian alder to establish well in and to tolerate on-going harsh environments as well as providing an almost semi-evergreen tree are recommended and should be provided at 40-50% density in belts
- Retained trees around the site – need to have capacity to be crown raised to 5.2m and maintained at that height to allow for safe and easy HGV movement, if not achievable then replacement or mitigation planting is preferable to prevent damage
- Fastigiated hornbeams for perimeter structure planting should be swapped for field maples and birch due to the thirsty and vigorous nature of hornbeam. Again soil bulk volume needs to be at least 15m³ per tree
- An opportunity exists to increase the green infrastructure along the front perimeter planting where I would expect to see an overall increase in tree numbers by at least 10.

3.9 **Business Support Unit:** Comments awaited

Sustainability Consultant: Comments as follows

3.10 Policy ESD1 – how does the proposal demonstrate mitigation and adaption to climate change

- Would expect to see more information and details on onsite walking and cycling connections within the hybrid application, to the wider Bicester 12 development, a firm commitment to bus stops close to the site location to encourage use of public transport
- Exploration and commitment towards Travel Plans
- Promotion of car clubs, car sharing, electric vehicles
- More detail required on walking and cycling connections into existing town and the wider Bicester 12 site
- No evidence provided on what climate change adaption measures will be carried out or investigated. There is a reliance on the BREEAM standard as a way of meeting this
- Further detail required on what climate risks are present and how these will be mitigated against. This could be through BREEAM.

Policies ESD2 and ESD3 – how does the proposal promote the reduction of energy use

- Very little information is provided on how the development will reduce energy use through the fabric efficiency of the buildings
- High level commitment to exceed building regulations but no in-depth energy statement that explore the baseline energy use and proposed fabric measure and their potential energy savings
- Some high level and basic information on commitments to reduce energy use of the buildings but no firm commitments or detail
- An energy statement is required
- Further detail required on construction of the buildings, use of local materials where applicable and what measurable difference their stated solutions will have on overall energy demand

Policies ESD2 and ESD4 – how does the proposal promote supplying energy efficiently and giving priority to decentralised energy supply

- Not compliant, we would expect at a detailed stage, alongside an energy statement, a feasibility study on decentralised energy systems. This study should relate to wider developments whereby a network could become feasible
- No assessment as to whether decentralised energy systems are deliverable as part of the development

Policies ESD2 and ESD5 – how does the proposed development promote the use of renewable energy

- Not compliant, no feasibility study for onsite renewable energy has been undertaken. The high level commitment to exploring renewable technologies in the DAS should be carried out at this detailed stage and not at a later stage in the development process
- No feasibility assessment to assess whether onsite renewable energy systems are deliverable

Conclusion

- An energy statement is required which outlines the total energy strategy for the site and carbon reduction targets above building Regulations where appropriate

Other Policy Requirements – Policy ESD3

- There is a commitment to BREEAM 'Very Good'. Condition required relating to pre-construction assessment and post construction certification.

The above comments can be read in full on the application file.

Oxfordshire County Council Consultees

3.11 Transport Development Control: Objection as follows

- The development has not been brought forward in the light of a master plan for the whole Bicester 12 site. Whilst the applicant has shown that the A41 site access can work safely and efficiently, we are still not convinced that timely delivery of attractive connections to and through the site for cyclists and pedestrians from its boundary with the rest of Bicester 12 site has been demonstrated as required by the Bicester 12 policy in the Cherwell Local Plan. The parameters plan for this site shows only indicative cycle routes through the site within the zone 2 planning application area. The locations of the connections into the site from the rest of Bicester 12 are undetermined.
- There is a significant under provision of cycle parking shown on the detailed plans for units A1 and A2. Space for 41 bicycles is shown (with no indication that any of those will be undercover) – the county's standards require there to be a minimum of 102 spaces for staff and further spaces for visitors. This will not encourage enough cycling to comply with NPPF paragraphs 32 and 35. Overall the site will require a minimum of 426 spaces for bicycle parking. At least 50% of the spaces should be undercover.
- For the detailed application, no tracking drawings have been submitted for the units A1 and A2 showing how the required large vehicles can access the service yards. This is needed to show how manoeuvres can be undertaken safely

Key issues

- The application has not been brought forward as part of a wider masterplan for the whole of Bicester 12 site. In its absence the applicant has not given sufficient confidence that high quality cycling and walking connections to the site from the rest of Bicester 12 site can be delivered. Having said that, the transport assessment has at least shown that the site access junction will operate safely and efficiently in 2014 taking into account traffic from the rest of Bicester 12 and other development sites in the town
- In order to support access to the development by sustainable transport, bus stops need to be provided close to the development (on the route of the S5 service), either on the A41 west of Ploughley Road or south of the A41 on Ploughley Road. This will be delivered by means of a S278 agreement for the hard standing for the stops (secured through a S106 Agreement), and a S106 contribution to deliver bus stop infrastructure – premium route type flags, information cases and, in the case of the Bicester bound stop, a bus shelter. These stops have not been shown on a plan by the applicant – in my view they should be added to the highways works plan and be accompanied by a road safety audit to demonstrate that they would work safely.
- A shift-change bus will be needed to ensure employees can access the site by public transport outside of the ordinary hours of operation of the S5 and before the bus improvements connected with the wider Bicester 12 are brought forward. This will be delivered by means of a S106 agreement
- A strategic transport contribution will be required to mitigate the development's cumulative impacts on the wider transport network. This will be done by S106 agreement – the amount is to be confirmed
- Street lighting on the A41 will be extended to a point to the east of the proposed site access junction. The applicant has also indicated that they would be willing to fund the introduction of a 50mph speed limit on A41 the extent of which is to be determined but will at least include the site access and

Ploughley Road junction. Both of these will be delivered through a S278 agreement (secured by s106 agreement).

Update (17th August)

Following the above, the applicant's consultants Peter Brett associates have submitted further plans and information to OCC who have advised that the concerns about cycle parking and tracking of large vehicles have now been addressed in respect of the detailed proposal, revised plans have been submitted in this respect.

Technically the application is not compliant with Local Plan Policy Bicester 12 as a masterplan has not been submitted for the entirety of the Bicester 12 site which would help to demonstrate across the whole site how:

- Walking and cycling connectivity within the whole of Bicester 12 site and the rest of Bicester 12 would be delivered – to include direct, attractive routes
- The public transport strategy for the wider Bicester 12 site would link with the symmetry park proposals

From a transport perspective, it has always been felt that Bicester 12 is considered as a whole rather than land parcels being considered in isolation in order to properly address these issues. However, the applicant has now demonstrated that the site access can work in 2024 accounting for growth at that point in time from other allocated local plan development sites across Bicester. It is also felt that the connection points with the rest of Bicester 12 site for pedestrians and cyclists as well as the onward routes to building entrances on the site can be secured through the section 106 process.

If permission is granted, a strategic transport contribution will be needed to mitigate the cumulative impacts of the development. A number of conditions are recommended.

Update (22nd August)

OCC has fundamental concerns with the Unilateral Undertaking offered by the applicants and object for the following reasons:

- The strategic transport contribution being offered is insufficient to mitigate the impact of the development
- A draft S278 agreement is not attached to the UU
- Commuted sums are not included in the UU
- A bus contribution is not included in the UU
- Drafting of the mechanism for the delivery of pedestrian/cycle links through the wider Bicester 12 and beyond is inadequate

- 3.12 **Drainage Officer:** There is insufficient information to give OCC confidence that the proposals for surface water drainage of the site will be successful.

It is recommended that this application is refused on drainage grounds as further details on the drainage arrangements are still needed.

There is little evidence that a Sustainable Urban Drainage System treatment train approach has been considered in the sustainable drainage design. Vegetative SUDS have not been incorporated, the proposals relying on 'hard' SUDS.

The assessment with regard to run off volumes is not adequate to confirm compliance to S5 of SUDS Non-Statutory Technical Standards (NSTS), which requires to control surface water run off volumes as is reasonably practicable to the greenfield condition.

For the full application, the proposed discharge rate of 5 l/s via a pump will provide betterment over the corresponding greenfield peak rate for the 1% annual probability storm. This allays previous concerns about capacity of culvert infrastructure at the

A41 ditch and provides partial compliance with SUDS flood criteria Non-Statutory Technical standards for SUDS (NSTS) S2. Compliance with the NSTS S2 also requires that the 100% annual probability storm will be controlled to the equivalent greenfield event.

Detailed proposals for phasing of works and dealing with surface water during the construction phase will be required and could form part of a condition.

Further detailed comments on drainage can be read within the application documentation.

Update (17th August)

Following discussions between OCC drainage officers and the applicant's drainage consultants and the submission of a further Technical Note, plans and information, the drainage objections have now been addressed and OCC are satisfied that the remaining issues for both the full and outline application can be dealt with by way of planning condition.

- 3.13 **Archaeology:** The site is located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. A programme of archaeological investigation will be required ahead of any development on the site. This can be secured through an appropriately worded condition.
- 3.14 **Economy and Skills:** No objection subject to condition requiring a Community Employment Plan (CEP)
- The size of the proposed development suggests that it will require the preparation of a Community Employment Plan (CEP). Previously known as an employment and Skills Plan (ESP)
 - 930 jobs will be created at end user stage in the logistics sector
 - The economy and skills Team at OCC would welcome early discussions on the preparation of the CEP
- 3.15 **Ecology Officer:** A comprehensive Masterplan should be produced for the whole SE Bicester site, in line with Cherwell District Plan Policy Bicester 12: South East Bicester. In producing this Masterplan, the applicant should ensure that they consider green infrastructure and biodiversity and demonstrate how habitat connectivity would be provided, considering the need to avoid harm to the two adjoining Local Wildlife Sites (Meadows West of Blackthorn Hill LWS and Gavray Drive LWS) and also the Conservation Target Area.

Biodiversity enhancements such as SUDS, hedgerow and tree planting and management, creation of ponds, green roofs, creation of habitats for bats in buildings and bird boxes, creation of hibernacula for reptiles and amphibians and creation of wildflower grasslands should be included in the development design where possible in line with planning policy and the NERC Act which places a duty on local authorities to enhance biodiversity. Provision should be made for the long term management of these areas.

Update (22nd August)

Further to the points made above, an objection is submitted on the basis that a comprehensive Masterplan has not been produced for the whole of South east Bicester site, contrary to the Cherwell Local Plan. A masterplan should have been produced by the applicants for the two sites within Bicester 12 to ensure that they have considered green infrastructure and biodiversity and to demonstrate how habitat connectivity would be provided. The county's ecologist also has concerns about the assumptions used in the application of the biodiversity metric in the supporting documentation.

3.16 **County Councillors:** raise the following concerns

- The cumulative transport impact of this development with other growth in Bicester prior to a solution to London Level Road Crossing and the South East Relief Road (or alternative) must be fully assessed
- Should development be permitted, a planning condition should restrict lorry parking on site to vehicles serving the development only

The consultation responses can be read in full on the application documents and the matters are discussed in more detail in the appraisal section of the report.

Other Consultees

3.17 **Historic England:** No objection and agree with the conclusion drawn in the Archaeological and Heritage statement (ES Appendix H) section 5.19 that result in a very low level of harm to scheduled monument known as Wretchwick Deserted Medieval Settlement, List no.1015549.

Do not agree with the conclusion that the harm will necessarily be temporary, particularly as this conclusion relies on the future development of land between the scheduled monument and the development site, when there is no certainty that such development will take place.

The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

3.18 **Environment Agency:** No comments received to date

3.19 **Thames Water:**

Waste Comments - with the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. A 'Grampian style' condition is therefore recommended requiring a drainage strategy to be submitted and agreed.

Surface Water Drainage – it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended the applicant should ensure storm flows are attenuated or regulated into the receiving public network through on or off-site storage.

Water Comments – the existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. A condition is therefore recommended requiring an impact study of the existing water infrastructure to be carried out and approved in writing. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

The foul water drainage strategy outlined in 'ES Volume 1 Main Report' dated May 2016 has indicated that an on-site sewage treatment facility will be provided to allow for treatment of foul water on site. Nevertheless it was also suggested that potentially the proposed site's drainage strategy will include connection to the Thames Water foul water network. Detailed drainage strategy confirming the point of connection into the public sewerage system and the flow rate into the proposed connection point is required to be able to assess the impact on capacity of the existing sewerage system.

3.20 **Highways England:** No objection

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Part 1) 2011-2031

The Cherwell Local plan Part 1 2011-2031 was formally adopted on 20th July 2015 and provides the strategic planning framework for the district to 2031. The Cherwell Local Plan Part 1 replaced a number of saved policies of the adopted Cherwell Local Plan 1996 although many of its policies are retained and remain part of the Development Plan. The relevant policies are as follows:

Cherwell Local Plan 2011-2031 Part 1

Sustainable communities

Policy PSD1: Presumption in favour of sustainable development

Policy SLE1: Employment development

Policy SLE4: Improved transport and connections

Policy BSC2: Effective and efficient use of land

Sustainable development

Policy ESD1: Mitigating and adapting to climate change

Policy ESD2: Energy hierarchy and allowable solutions

Policy ESD3: Sustainable construction

Policy ESD4: Decentralised energy systems

Policy ESD5: Renewable energy

Policy ESD6: Sustainable flood risk management

Policy ESD7: Sustainable drainage systems

Policy ESD8: Water resources

Policy ESD10: Biodiversity and the natural environment

Policy ESD13: Local landscape protection and enhancement

Policy ESD15: Character of the built environment

Policy ESD17: Green infrastructure

Strategic Development

Policy Bicester 12: South East Bicester

Infrastructure Development

Policy INF1: Infrastructure

Cherwell Local Plan 1996 (Saved Policies)

Policy C8: Sporadic development in the open countryside

Policy C28: Layout, design and external appearance of new development

Policy C31: Compatibility of proposals

Policy TR10: Heavy goods vehicles

Policy ENV1: development likely to cause detrimental levels of pollution

4.2 Other Material Policy and Guidance

National Planning Policy Framework

Planning Policy Guidance

One Shared Vision

5. Appraisal

5.1 The key issues for consideration in this application are:

- Relevant Planning History
- Environmental Statement
- Planning Policy and Principle of Development
- Transport, Accessibility and Highway Safety
- Employment
- Landscape and Public Rights of Way
- Archaeological and Historic Environment
- Design, Layout and Appearance
- Ecology
- Flood Risk and Drainage
- Effect on Neighbouring Amenity
- Sustainability
- Planning Obligation

Relevant Planning History

5.2 The application site is part of a wider strategic allocation in the adopted Cherwell Local Plan 2011-2031 for mixed use development (Policy Bicester 12). This part of the site has been brought forward for development in advance of the remainder of the allocation. An outline application for the development of this site for B8 purposes was submitted in December 2015 by the same applicant, (15/02316/OUT) refers. An appeal against non-determination of this application has been lodged. The applicants have requested that it be determined by public inquiry.

5.3 Following the submission of the outline application the applicant's agent has stated that the following amendments have been incorporated into this Hybrid application:

- An overall reduction in the quantum of development
- Increase in the provision of additional landscaping along the boundaries of the development.
- A reduction in the proposed height of the units from 18m to 15.5m to ridge. Unit A1 will be a maximum of 14.6m to ridge
- Reduction on impact on the residential amenities of neighbouring properties by reduced height and increased distance of buildings from them
- Three clear development parcels in zone 2 where details are submitted in outline only providing commercially realistic blocks
- Identification of footpath/cycle links to the wider Bicester 12 development along northern and western boundaries
- Commitment to the provision of integrated Green Infrastructure corridors with the wider Bicester 12 development together with enhanced on-site ecological benefits as a result of additional perimeter landscaping
- Revisions to the access to A41 following discussions with OCC
- Unit A1 flipped so that service yard is on A41 frontage to provide optimum

solution in landscape terms to address the 'Gateway' entrance to Bicester sought by CDC planning officers

- Incorporation of landscape bund on land outside the application area along the northern boundary with the open countryside
- Drainage issues resolved
- Commitment to provide mature planting along A41 landscape bund

- 5.4 An outline application has also now been received (registered on 29th June 2016) for the remainder of the majority of the Policy Bicester 12 allocation by Redrow Homes and Wates Developments (16/01268/OUT) refers. This application seeks consent for 1,500 dwellings, up to 18ha of employment land for B1 and/or B8 uses, a local centre with retail and community use to include A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D2 and/or B1 or uses considered as sui generis, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from A41 and A4421 with other associated vehicular, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems. That application is the subject of on-going negotiations, and is unlikely to be presented to Committee until October/November 2016.

Environmental Statement

- 5.5 The application is accompanied by an Environmental Statement (ES). The ES covers landscape and visual, transport and access, air quality, noise and vibration, ecology and nature conservation, flood risk and water environment, socio-economic, cultural heritage, ground conditions and geology and agricultural land. The ES identifies significant impacts of the development on the environment and the locality and the mitigation considered necessary to make the development acceptable.
- 5.6 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 Regulation 3 requires that Local Authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and they shall state in their decision that they have done so.
- 5.7 The NPPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. The information in the ES and consultation responses received has been taken into account in considering this application and preparing this report.
- 5.8 The ES identifies mitigation measures and these must be secured through conditions and/or legal agreements. Having regard to the appraisal below, it is considered that there are a number of issues and matters raised within the application submission and the ES which cannot be simply conditioned and therefore need to be addressed as part of this submission.

Planning Policy and the Principle of Development

- 5.9 The Development Plan for Cherwell District comprises saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan (Part 1) 2011-2031. Section 70 (2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the local planning authority shall have regards to the provisions of the development plan so far as is material to the application and to any material considerations. Section 38 of the Planning and Compulsory Purchase Act 2004 also requires that if regard is to be had to the development plan for the purpose of any determination to be made under the plan unless material considerations indicate otherwise. This is also reflected in the

National Planning Policy Framework (NPPF) at paragraph 11 which makes it clear that the starting point for decision making is the development plan.

Adopted Cherwell Local Plan 2011-2031

- 5.10 The Cherwell Local Plan has been through Examination, has been considered by Full Council, is now adopted and consistent with the NPPF. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed use site for employment and residential development of 1,500 new homes and supporting infrastructure to the east of the ring road to the south east of Bicester. The policy specifies that approximately 40 hectares shall be for employment use. This application which seeks consent for B8 uses, forms part of this strategic allocation within the Local Plan. The policy is comprehensive in its requirements and the consideration of this proposal against the requirements of Policy Bicester 12 will be carried through the assessment of this application.
- 5.11 The Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.

Adopted Cherwell Local Plan 1996

- 5.12 The adopted Cherwell Local Plan 1996 includes a number of policies saved by the newly adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The plan includes Policy C8 which relates to sporadic development in the open countryside, and whilst this proposal would conflict with this particular policy, the fact that the site forms part of a strategic allocation within the newly adopted Cherwell local Plan 2011-2031 is a material consideration. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

National Planning Policy Framework

- 5.13 The purpose of the planning system is to contribute to the achievement of sustainable development. The National Planning Policy Framework (NPPF) sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development; contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 70). It also provides (paragraph 17) a set of core planning principles which, amongst other things require planning to;
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Proactively drive and support sustainable economic development
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and to focus significant developments in locations which are, or can be made sustainable.
 - Deliver sufficient community and cultural facilities and services to meet local

needs

- 5.14 The NPPF at paragraph 14 states 'at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both planning and decision taking....for decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where a development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole; or
 - Specific policies in this framework indicate development should be restricted
- 5.15 The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below.
- 5.16 In relation to the economic role, the NPPF states that the planning system should do everything it can to support sustainable economic growth. In respect of this application proposal, the development is likely to encourage new businesses into the District, to provide jobs locally during the construction phases, and in the longer term will deliver and secure the provision of new jobs within Bicester and seeking to help address the issues of significant out-commuting in Bicester at present. The applicant has stated within the submission that an occupier has already been secured for Unit A1 generating approximately 80 jobs. Objectors are concerned that the provision of only B8 development on this site will not provide the high tech jobs required or the required number of jobs identified in the Policy. The applicant has also stated verbally that there is an agreement with the new Bicester Studio School in terms of providing work experience etc for pupils by businesses which will ultimately locate within the site. Details in this respect are still awaited.
- 5.17 The social role to planning relating to sustainable development is to support strong, vibrant and healthy communities by providing a supply of housing and employment opportunities to meet the needs of present and future generations. A high quality built environment and accessibility to local services, housing and the town centre for employees is required as part of this function. The application proposal will provide local jobs. Objectors are concerned that the site as proposed lacks connectivity and integration with Bicester and the remainder of the Bicester 12 allocation.
- 5.18 In terms of environmental, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. The accompanying ES seeks to address these issues and explain the mitigation measures that will be implemented. Objections have been received regarding the landscape and visual impact of the development and the effect on wildlife and biodiversity.
- Employment**
- 5.19 Paragraph 17 of the NPPF sets out the core planning principles that should underpin both plan-making and decision-taking. Of particular relevance to this application in terms of the employment use is to:
- 5.20 'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth....'

- 5.21 Section 1 of the NPPF – Building a strong competitive economy, advises at paragraph 18 that ‘the government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and meeting the twin challenges of global competition and of a low carbon future’
- 5.22 Paragraph 19 advises ‘the government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system’.
- 5.23 Paragraph 20 advises ‘to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st Century’.
- 5.24 Policy SLE1 of the adopted Cherwell Local Plan 2011-2031 sets out that new development sites have been identified to promote growth and increase the amount of employment land in the District in accordance with the requirements of the NPPF above, for commerce, engineering and manufacturing. This growth is focused more at Bicester in order to match the growth in housing and make the town more sustainable. This policy also reflects the urban focus within the plan and to ensure that housing and employment are located in the same place.
- 5.25 Policy SLE1 also refers to the Council’s flexible approach to employment generation with a number of strategic sites allocated for a mix of uses. At Bicester, there are 6 strategic sites where strategic employment uses are identified. Policy Bicester 12 is one of these strategic allocations for mixed use development, identifying approximately 40 hectares for employment use within a mix of B1, B2 and B8 uses, although it identifies B8 as the primary employment use. The land has been allocated taking account of the economic evidence base, matching growth in housing and to cater for company demand whilst ensuring a sufficient employment land supply. It emphasises that careful consideration must be given to locating housing and employment in close proximity to avoid harmful impacts upon the residential amenity of neighbouring properties. The identification of sites to meet the anticipated economic needs is in line with the guidance within the NPPF.
- 5.26 The Local Plan is supported by a suite of evidence, including that relating to Economic Development and the council has an Economic Development Strategy. The Economic Analysis Study (August 2012) identifies the existing baseline conditions within the District which shows that the District has high economic activity but low growth with a relatively resilient economy. In terms of growth, the district appears to be underperforming, particularly in higher value sectors and it is identified that there is scope to improve the economic competitiveness. The document sets aspirations for the type of new development that will be encouraged drawing on the district’s advantages of being very accessible and part of the Oxfordshire economy. In respect of this application, the Council’s Economic Growth officer advises in support of this application that the commercial property market in Bicester over the last decade has not effectively operated to satisfy the needs of expanding businesses and inward investors which has delayed the implementation of the council’s adopted economic development strategy and created a latent demand amongst a range of Bicester businesses. He also advises that the construction of commercial premises has also not matched either the growth in the number of homes or the rate of household formation that has occurred (and continues to occur).
- 5.27 The Council’s most recent Annual Monitoring Report (AMR) December 2015 (reported to the Executive in January 2016) identifies that there has been an overall net loss of employment land in Bicester of -3,768 sqm, this is made up by a gain of 3,809 sqm of B8 floorspace but a loss of 5,644 sqm of B2 uses as a result of changes

of use from B2 to B8 at Bessemer Close. The assessment considers the remaining allocated land, which in Bicester represents the allocated sites at Bicester 1, Bicester 4, Bicester 10, Bicester 11 and Bicester 12 and notes the efforts being made by the council to bring forward strategic sites. The planning permission at the Graven Hill site has led to significant increases in B8 mixed use classes with small gains in other employment uses. The total amount of employment floorspace at Graven Hill is over 90,000 sqm. Outline planning consent has also recently been granted for up to 48,308sqm of employment floorspace at Skimmingdish Lane (Policy Bicester 11, application number 15/01012/OUT refers).

- 5.28 The Oxfordshire Local Enterprise Partnership (OxLEP) and partners have agreed, through the City Deal and Strategic Economic Plan to deliver significant levels of economic growth. Oxfordshire has also made progress through programmes including Oxfordshire Business support, the Oxfordshire Apprenticeship Programme, Opportunities to Inspire builds links between employers and education across Oxfordshire in order to inspire the future workforce and Invest in Oxfordshire. Seeking commitments to the development of skills and the provision of job opportunities through Community Employment Plans can achieve this vision and ensure that developments contribute to economic growth. As well as supporting sustainable economic growth, CEPs provide the opportunity to more closely align the new jobs created from a major development, the local labour market and skills providers. Thus ensuring maximum benefits in terms of new jobs, apprenticeships, traineeships, work experience and local supply chains. Oxfordshire in general and Cherwell District in particular, are currently experiencing a large increase in construction to provide new homes and jobs for the area. However, there is a shortage of skilled construction workers to support this growth and the trend has generally been that construction apprenticeships are decreasing. It was agreed by the Council's Executive in April 2016 that the Council in the interim, until the new Planning Obligations SPD is agreed, will seek to secure new construction apprenticeships through new development proposals, to be secured either through Section 106 or by condition. The applicants have stated verbally that they have an agreement with the Studio School at Bicester which is due to open in September 2016 where placements will be offered to pupils for work experience as part of these development proposals. The applicants have agreed to send over further information regarding this agreement, but to date, this is still awaited.
- 5.29 The application site relates to only 16.42 hectares of the employment land allocated within Policy Bicester 12, leaving a further 23.6 hectares to be delivered within the remaining allocation. The outline application for the majority of the remainder of Bicester 12 which has just been submitted includes up to 18ha of employment land for uses falling within B1 and/or B8 purposes (16/01268/OUT refers). After careful consideration, having regard to the constraints on the remainder of Bicester 12 in terms of the Scheduled Ancient Monument and Ecology, it is the opinion of the Head of Development management that the eastern part of the allocation (the application site) is therefore, on balance, the most appropriate location for the employment uses. This proposal therefore complies with the general thrust of Policy Bicester 12 in this respect and the Council's employment policy to provide economic growth and allow a degree of flexibility for developers to achieve it. The fact that a potential occupier is interested in one of the units will also mean that the initial development on this site is delivered early in the plan process.
- 5.30 In support of this application proposal the submission advises that the parameters plan, layout, scale and appearance of the buildings have all been designed to allow flexibility and to meet the requirements of potential future occupants, providing flexible employment space that can adapt to changing needs. Furthermore, it is submitted that a Prologis Technical Note September 2011 reveals that, in consequence of the technical and administrative changes in the logistics sector that whilst the number of warehouse staff has fallen, there has generally been an increase

in job opportunities in respect of administrative and support staff, managerial roles and IT, customer service, sales and engineering roles. It is also stated that a further economic advantage is the fact that the logistics sector is also a major provider of apprenticeship opportunities and that the job opportunities within a modern logistics operation will be further boosted by symmetry park in the context of the Bicester Technology Studio.

- 5.31 It is therefore the applicant's view that the application proposal will create a number of flexible and needed jobs in a sustainable location and that the jobs are needed now and that the scheme is deliverable. They go on to say that it would be inappropriate to delay the granting of planning permission as this would potentially jeopardise delivery and risk the town losing clear benefits of the proposal at a time when jobs are needed to stimulate the economic recovery.
- 5.32 The application which is for employment use is therefore considered to be consistent with the principle of Policy Bicester 12 which allocates this land for a mixed use development and the site has an important role to play in the delivery of new employment development to secure economic growth and to support growth in housing. The policy however, requires a comprehensive master plan to be produced in respect of the whole Bicester 12 allocation. This would allow sufficient confidence to ensure that the overall requirements of Policy Bicester 12 can be met and that a mix of employment uses and quantum of employment development can be delivered across the allocation in accordance with the policy requirements. A comprehensive master plan which incorporates the proposed development and uses on the remainder of Bicester 12, has not been included with the application documentation, despite numerous requests to the applicant and agent. The application documentation states that the intended occupier of Unit A1 will deliver 80 jobs within the first 12 months of occupation with the potential for further growth. If this level of job creation was repeated across the remainder of the B8 units proposed in this application, this would equate to approximately 640 jobs, not the potential 930 stated in the application documentation.
- 5.33 Notwithstanding the above, in respect of the principle of B8 employment on this site, the appraisal below will consider other aspects of this proposal and the more detailed matters to consider the overall impacts of the proposed development and the other relevant policies within the Development Plan.

Transport, Accessibility and Highway Safety

- 5.34 A Transport Assessment (TA) has been submitted as part of this application and the ES which has been prepared by Peter Brett Associates on behalf of the applicant. The TA and all the supporting documentation within the ES relating to Transport has been assessed by OCC as Local Highway Authority. A new vehicular access to the site is proposed as an un-signalised priority junction on the A41 approximately 250m east of the Ploughley Road junction. A ghosted right turn lane into the site protected by two non-pedestrian refuge islands is proposed as part of this junction. The proposed new access is part of the detailed application, but will also serve the remainder of the site for which outline consent is sought, when that is brought forward for development.
- 5.35 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to transport and accessibility are as follows:
- Development of a comprehensive master plan for the allocated site
 - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
 - A proposal that is well integrated, with improved, sustainable connections between the existing development and new development on this site
 - New footpaths and cycle ways should be provided for that link to existing

networks and the wider urban area. This includes links from the site into Bicester town centre and to facilitate access to railway stations and places of employment

- A legible hierarchy of routes should be established to encourage sustainable modes of travel and the development layout should maximise the potential for walkable neighbourhoods and incorporate cycle routes
- Connectivity and ease of access from the development to the wider Public Rights of way network
- Good accessibility to public transport services should be provided for including a through route for buses between the A4421 Charbridge Lane and A41 Aylesbury Road, with effective footpaths and cycle routes to bus stops, including a financial contribution towards the provision of a bus service through the site and new bus stops with effective footpaths and cycle routes to bus stops from dwellings and commercial buildings
- A Transport Assessment and Travel Plan to accompany development proposals

Traffic Generation and Distribution

- 5.36 This application is for a reduced amount of floor space compared to the previous outline (65,032 sqm compared to 69,677 sqm). The TA for this hybrid application is largely the same as the one that was submitted with the outline application although it includes details of how the applicant sought to address a number of queries and concerns raised by OCC when the outline was first submitted. In terms of the overall impact of the additional traffic generated by this revised proposal, the calculations are based on the original higher quantum, thereby predicting the worse case scenario.
- 5.37 OCC previously raised concerns about the use of 2020 as an assessment year and the fact that this did not adequately assess the impact of the development on the transport network in the longer term in the context of the known growth of traffic as a result of planned development in Bicester in the adopted Cherwell Local Plan growth. In response to this concern, the TA presents the results of further work undertaken by the applicant's transport consultant to model the site access in a future assessment year of 2024 using flows from the Bicester SATURN Model which includes Local Plan growth to 2024. This demonstrates that the proposed site access junction would operate satisfactorily in a 2024 assessment year.
- 5.38 The distribution/routeing of HGVs assumed in the TA was also queried. Subsequent sensitivity testing of the assessment of the site access has been undertaken considering different distribution scenarios of HGVs arriving and leaving the site. This is described in the TA for the Hybrid application. It demonstrates that even if more HGVs arrive and leave from the east, the site access would still work safely and efficiently. It is considered by the highway authority that the routeing of HGVs to and from the site would be adequately managed by the existing environmental weight and height limits in place locally. An environmental weight restriction is in place to the south of the application site that prevents vehicles heavier than 7.5 tonnes from taking a short cut to Oxford and beyond via unsuitable roads through villages such as Merton, Murcott, Horton and Stanton St. John.
- 5.39 The TA concludes that in 2031, traffic generated by the development results in only a minor impact on the Rodney House Roundabout and the Oxford Road/A41 junction which will be improved as part of the Graven Hill development which will ensure that traffic from this site will be satisfactorily accommodated. The proposed site access junction is shown to work within capacity in 2024.
- 5.40 A number of consultation responses have raised significant concerns about the negative impact that additional traffic from this development would have on the operation of the Ploughley Road junction. This is not least because of the congestion that occurs at the junction during busy times. In particular, it has been suggested that

it is unrealistic for the TA to not allocate any traffic turning in and out of Ploughley Road in the morning and evening peak hours. Whilst the original transport scoping exercise involving OCC did not result in any traffic allocated to that route, on reflection OCC consider that this was not accurate. However, OCC consider that the numbers would actually be small and therefore that this would actually have minimal impact on the route to the south and the junction itself.

Site Access

- 5.41 The proposed new site access details have been assessed by OCC. The site access plan includes site visibility splays that are considered appropriate for the design speed of the road as determined by the applicant's traffic consultant using recent speed survey data. There are a number of trees that are within the site visibility splay that must be removed to ensure the site access works safely. These trees are not on highway land and are located outside the red line of the planning application. The applicant however, has confirmed to the highway authority that these trees are within their control and that they are therefore able to remove these trees. The site access is only considered safe by the highway authority if these trees are removed.
- 5.42 The submitted TA includes a study of the accidents recorded along the A41 in the vicinity of the site. The applicant has also provided an independent road safety assessment of the proposals, which does not raise any concerns that could not be addressed at a subsequent stage of the design (this assessment consisted of a road safety audit of an earlier version of the access, the results of which have led to changes that have been incorporated into the design submitted with the planning application). The highway authority believe that there is nothing in the road accident record that suggests in the future, either the form of the proposed site access junction or the retention of the de-restricted speed limit would not be appropriate, taking into account the level of traffic generated by this and other traffic growth. This also applies to the proposed pedestrian/cycle refuge to the east of the Ploughley Road. However, the introduction of a 50mph speed limit along this stretch of A41 will help reinforce the safe operation of the new site access and the other existing side road and site junctions along this stretch of A41. The existing street lighting on the A41 from Bicester going eastwards currently ends just east of the Ploughley Road junction. The site access junction will not be acceptable to the highway authority unless this lighting is extended to the east of the proposed site access junction.

Pedestrian and Cycle Access

- 5.43 Policy Bicester 12 requires that 'the development is well integrated, with improved, sustainable connections between existing development and new development on this site' and also that 'new footpaths and cycleways should be provided for that link to existing networks in the wider area'. Policy Bicester 12 also requires 'the development of a comprehensive master plan for the allocated site in consultation with the Council, OCC, Historic England, the Local Nature Partnership (Wild Oxfordshire) and local communities'. A master plan for the whole of Bicester 12 allocation would demonstrate how pedestrians and cyclists would be encouraged to use routes through the wider Bicester 12 site rather than only access the site via routes along the A41. It would also help give sufficient certainty on this point.
- 5.44 In the absence of a Bicester 12 master plan, the OCC as highway authority consider the parameters plan and the indicative master plan submitted with this application do not go far enough towards complying with the requirements of the local plan for the wider site. These submitted plans appear to be seeking to demonstrate that the developer would be willing to commit to providing pedestrian and cycle access links along the northern and western boundaries of the site. The applicants planning statement proposes that these could be secured by a planning condition attached to a planning permission. In the absence of a comprehensive master plan, it is difficult to be certain where, when and how these links might be provided. In respect of the routes on the application site that would provide access to the different parts of the

development, the green corridors with footpath/cycle links are shown as indicative. Given that these are entirely within zone 2, the outline part of the site, it is difficult to ascertain with any certainty on where, when and how high quality links can be delivered, for example, if a larger building as identified on the plot parameters was brought forward at reserve matters stage, this could create an unacceptable barrier to ease of movement by cyclists and pedestrians across Bicester 12 as a whole. A condition is therefore not considered to be appropriate and these links would need to be secured through a Section 106 that could be more specific about how, when and where.

5.45 In the absence of a comprehensive master plan for the wider Bicester 12 allocation, there is uncertainty about how the requirements of the Policy in terms of cycling and walking connectivity will be complied with. On this basis, OCC as highway authority object to the application submission. High quality connections across Bicester 12 are crucially important to support sustainable residential development on the wider Bicester 12 site and to provide future residents with sustainable transport connections to access employment opportunities within Bicester 12.

5.46 Following further discussions with the applicant and their consultants, it has been agreed that consideration will be given to the possibility of securing some degree of integration and connectivity with the remainder of Bicester 12 and the wider Bicester through a Section 106 agreement, thereby removing this objection. It is important that the wording within the agreement is appropriate to secure the provision of attractive, safe and appropriately constructed and maintained links, in appropriate locations and in a timely manner, in perpetuity. The applicant has sent through a draft Unilateral Undertaking which includes the provision of cycle/footpath links, however, the drafting mechanism suggested for their delivery is inadequate and an objection to the application proposal therefore currently remains in this respect.

5.47 Public Transport

Akeman Park is located adjacent to the current S5 bus service which operates on a broadly hourly basis during Monday to Saturday daytimes. The submitted TA suggests that a bus stop could be provided on A41 to serve the site by means of the existing S5 service pattern, this would be within the recommended 400m walk for most of the site and would be secured through Section 106 and 278 Agreements. This will ensure that in line with the NPPF, opportunities for people accessing the site by sustainable transport are provided. A pair of bus stops is therefore required on A41 just east of Ploughley Road or just south of A41 on the Ploughley Road. Hard standing for bus passengers to wait, as well as bus stop flags and information cases will be needed at both stops. A bus shelter for passengers waiting to catch the bus in the Bicester direction is needed to make travel by public transport as attractive as possible.

5.48 The current operating hours of the S5 bus service will be inadequate to cater for early morning or later evening start/finish times, and are very infrequent on Sundays. Further funding will therefore be required as part of this proposal towards a bus service that will serve the new stops on the A41 in the evening and early morning, at least until such time that a bus service covering these hours is provided to the remainder of Bicester 12. A section 106 will therefore be necessary to secure the appropriate funding. The applicant has submitted a Unilateral Undertaking as part of this application, however, it does not include a contribution towards improved bus services and is therefore not acceptable to OCC. An objection has been made in this respect.

Site Layout

5.49 The original application proposal relating to the detailed submission did not include tracking diagrams and as such it was not possible therefore to understand whether vehicles, including HGVs can manoeuvre in and out of the accesses to the service

yards safely and successfully. This would also need to include tracking for the access road that would lead to the zone 2 outline application area.

- 5.50 Tracking diagrams have now been provided for the site layout of the Zone 1 area (detailed submission) which show that HGV's would be able to manoeuvre in and out of the accesses to the service yards satisfactorily and in respect of the access road that would lead to the Zone 2 planning application area (outline submission).

Travel Plan

- 5.51 A Framework Travel Plan has been submitted with the application but this requires further work to meet the requirements set out in current OCC travel plan guidance. OCC advise that it needs to be more robust, there is a focus on providing information but a lack of commitment to provision of facilities for cyclists such as lockers and showers as the statement states that ,consideration, will be given to their provision rather than committing to their provision.
- 5.52 The Framework Travel Plan also needs to make a commitment to achieving the trip generation detailed in the TA although a revised figure for the amount of traffic generated by the lower level of floor area in this hybrid application will be used. Targets in the FTP need to relate to both mode split and traffic generation. Mode split reductions should be based on the TA figures as the baseline.
- 5.53 A condition would be recommended to overcome this aspect.

Ambrosden Parish Council Objection

- 5.54 OCC have assessed the Paul Basham Report which was prepared on behalf of Ambrosden Parish Council in respect of transport and highway matters. The request for additional modelling addresses many of the points raised in the Report. The modelling requested from Peter Brett Associates that extends beyond 2020 required the use of the 2024 Bicester SATURN model, which incorporates Cherwell Local Plan growth to 2024.
- 5.55 In respect of the Ploughley Road junction, advise that the A41/Ploughley Road junction is being considered and assessed as part of the wider Bicester 12 allocation. Timings for development coming forward at Akeman park ahead of the remainder of Bicester 12 or a masterplan for the whole of Bicester 12 have also been considered with respect to the deliverability of infrastructure required to support the development proposals, and the proportionate impact that the relatively few trips generated by the Akeman Park development will have on this junction.
- 5.56 In respect of traffic generated travelling through Ambrosden, OCC agrees that some traffic may travel through Ambrosden, but considers that the number of trips generated by the development routeing that way will be small.
- 5.57 In respect of sustainable cycle and pedestrian connections, OCC and CDC are seeking to address the issue of sustainable connectivity between Akeman Park and the wider Bicester 12 through on-going discussions with the applicant. It was agreed at a recent meeting with the applicant that these links could be secured through a Section 106 Agreement, although the detail of this remains to be agreed. OCC consider the ghost island priority to be appropriate at this location from an operational perspective as the provision of a ghost island and the trip generation expected does not give rise to road safety concerns. It should also be noted that the traffic counter referred to is located west of Ploughley Road, whereas the proposed access to Akeman Park is located to the east of the Ploughley Road junction.
- 5.58 The Paul Basham Report also raises concerns about the accident information. OCC advises that the TA does include full collision data and a map at the appendix includes all the accidents detailed. OCC's Road Safety team were also consulted as

part of OCC's response to the application. It is not considered by OCC as highway authority that the trips generated from the Akeman Park development will cause additional road safety issues at Ploughley Road. However, as mentioned previously, operation of the junction and pedestrian/cycle crossing of the A41 will be considered as part of the wider Bicester 12 application.

Conclusion

- 5.59 OCC, as local highway authority originally recommended an objection to the application as submitted as being contrary to Policy Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF. These issues have now been addressed by the amended plans and additional information submitted as a result of on-going discussions. An objection remains however in respect of the Section 106 contributions and infrastructure requirements and the S278 works; an objection is therefore maintained by OCC in this respect. This will be discussed in more detail within the report under 'planning obligation'. If these agreed this will form a reason for refusal.

Landscape and Public Rights of Way

- 5.60 Policy ESD13 of the adopted Cherwell Local Plan 2011-2031 relates to local landscape protection and enhancement and therefore seeks to conserve and enhance the distinctive and highly valued local character of the entire district. Policy ESD13 states that: 'development will be expected to respect and enhance local landscape character...and proposals will not be permitted if they would....cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character....harm the setting of settlements, buildings, structures or other landmark features, or, harm the historic value of the landscape'
- 5.61 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 states that new development proposals, amongst other things should: 'contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmark features or views.....and ensure new development is sensitively designed and integrated in accordance with advice within the NPPF and NPPG'. The Council's Countryside Design Summary identifies the site as being located within the Clay vale of Otmoor which is characterised by generally flat low-lying land crossed by the meandering Rivers Ray and Cherwell, which drain into the Thames at Oxford.
- 5.62 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to landscape and visual impact are as follows:
- A comprehensive master plan for the allocated site
 - Commercial buildings with a high quality design and finish with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
 - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
 - Protection of the line and amenity of existing Public Rights of Way. Connectivity and ease of access from the development to the wider Public Rights of Way network
 - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
- 5.63 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on should be judged. The NPPF also advises that the open countryside should be protected for its own

sake.

- 5.64 The ES includes a Landscape and Visual Impact Assessment which has considered the effects of the proposed development on the landscape character of the area. This has been produced by The Environmental Dimension Partnership Ltd on behalf of db symmetry. This report sets out the findings of the landscape and visual impact assessment of the proposed development illustrated by the parameters plan including the detailed landscape strategy for zone 1 and the retention of trees and shrubs within the defined landscape buffers for zone 2. The site itself is generally flat as is the countryside immediately around, however, just to the east of the application site the land rises quite steeply towards the village of Blackthorn. A number of public rights of way pass immediately adjacent or close to the site. An existing public right of way which passes along Blackthorn Hill offers views down towards the site.
- 5.65 The Landscape and Visual Impact Assessment has been assessed by the council's Landscape Officer who has raised significant concerns about the visual impact of the proposed development, largely because of inadequate mitigation planting and landscape buffers. This is of particular concern along the northern boundary of the site in respect of the detailed proposal where the landscape buffer is too narrow to provide any effective buffer with the open countryside. It should also be noted that an existing tree along this boundary, due to its proximity to the HGV servicing and parking area within its canopy is likely to be affected by the proposal. Following discussions, the applicant has agreed to provide a further 20m landscape buffer along the north-eastern boundary of the site. This buffer however is outside the application area, although on land controlled by the applicant. The provision of this will therefore need to be secured in perpetuity through a Section 106 Agreement. It is accepted that the provision of a 20m wide landscaped buffer along this boundary would help to resolve the concerns regarding the impact of the development on the open countryside in respect of this boundary and this part of the development.
- 5.66 In terms of the planting to the southern boundary adjacent to A41, the council's Landscape Officer also advises that the planting proposed will not be of sufficient height or density to suggest the minor/adverse effect in the submitted LVIA at 15 years but considers the effect will be moderate/adverse. Increasing the depth of planting along A41 frontage would provide better mitigation in terms of visual impact. In order to overcome the drainage objection, revised plans have been submitted which shows drainage pipes and infrastructure, together with attenuation ponds and swales within the landscape buffers. As a consequence, the council's Landscape Officer remains concerned about landscape impact and advises that the frontage (A41) landscape scheme must be revised to accommodate the drainage and underground attenuation, or the drainage/attenuation relocated to avoid the landscaping as the two are not compatible as shown. The amendments are necessary to maximise the overall mitigation/screening effects intended with the higher tree density required. Furthermore, drainage system maintenance and refurbishment will result in tree removal and drastic pruning, and the drainage maintenance way leaves will result in reduced tree planting and subsequently lower density and a more visually permeable landscape structure.
- 5.67 At a recent meeting the applicants were also asked to consider reducing the size of building A2 to allow a wider landscape buffer to the A41, however, this request was declined on the grounds that this would make the building unworkable. At this meeting the applicants also undertook to provide additional evidence and information to try to convince the council of the compatibility of the landscaping and drainage proposals. Members will be further updated in this regard at the meeting following further discussions with the council's Landscape Officer.
- 5.68 During the consideration of the appealed outline application, in order to try to take the application forward, and in the spirit of seeking to work collaboratively with the

applicant, a consultant was instructed on behalf of CDC to produce a parameters plan which sought to identify an appropriate frontage set back in terms of the buildings, green infrastructure links through the site, footpath/cycle links and appropriate connectivity with the remainder of Bicester 12 and appropriate landscape buffers. This plan was produced in an attempt to open up negotiations regarding the scale and form of the development proposed having regard to its location on the planned edge of Bicester, adjacent public rights of way and adjacent residential properties. The parameters plan was not considered acceptable by the applicant on the grounds that the reduced quantum of development on the site for B8 purposes would be rendered unviable and neither would it meet the requirements of B8 users.

- 5.69 In conclusion, it is considered that having regard to the above, as submitted, there is insufficient buffer landscaping around the edges of the site to successfully and acceptably mitigate the visual impact of these large B8 buildings within the landscape, from the adjacent public rights of way and on the approaches to the site from the adjacent road network. Due to the scale of the buildings identified within the plot parameter and the lack of certainty of any significant internal green infrastructure, the quantum of development sought has resulted in an unacceptable development in terms of visual impact contrary to Policies Bicester 12, ESD13 and ESD15 of the adopted Cherwell Local Plan and government advice within the NPPF. It is considered however, that this issue could be addressed should the applicant be willing to engage and further by setting the development back from the boundaries of the site and increasing the width of the landscape buffers to A41 frontage and eastern boundary.

Archaeological and Cultural Heritage

- 5.70 An archaeological and heritage assessment report has been prepared by The Environmental Dimension Partnership Ltd (EDP) on behalf of the applicant which includes assessment of the potential effects of the development on Wretchwick medieval village scheduled ancient monument (SAM). The assessment involved a desk-based review of records and other data sources, a walkover survey and subsequent archaeological geophysical survey. There are also a number of listed buildings within proximity of the site.
- 5.71 Saved Policies C18 and C25 of the adopted Cherwell Local Plan 1996 are relevant to the proposal in terms of seeking to protect the setting of listed buildings and scheduled ancient monuments. Policy ESD15 of the adopted Cherwell Local Plan Part 1 2011-2031 also seeks to protect such heritage assets and requires appropriate information and assessments to be included within an application submission to enable an assessment of the potential impact of a development upon them to be made.
- 5.72 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to archaeological and cultural heritage are as follows;
- A comprehensive master plan for the allocated site
 - Development proposals should protect cultural heritage and archaeology, in particular Grade II listed Wretchwick Farmhouse and Wretchwick Medieval Settlement, a Scheduled Ancient Monument
 - Development proposals to be accompanied and influenced by landscape/visual and heritage impact assessments
 - An archaeological field evaluation to assess the impact of the development on archaeological features
- 5.73 Section 12 of the NPPF sets out the planning guidance concerning archaeological remains and the historic environment. Paragraph 126 emphasises the need for local planning authorities to set out a clear strategy for the conservation and enjoyment of the historic environment, where heritage assets are recognised as an irreplaceable

resource which should be preserved in a manner appropriate to their significance.

- 5.74 Paragraph 128 states that 'in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.
- 5.75 Paragraph 129 states 'Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the evidence and necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposed'.
- 5.76 Paragraph 132 states 'when considering the impact of s proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.
- 5.77 The application proposal and submitted archaeological and heritage assessment report has been assessed by the County Archaeologist. The site is also located in an area of archaeological potential along the line of the Roman road from Alchester to Verulamium. The line of this road has been confirmed during archaeological evaluation 600m west of the proposed site along with Iron Age and Roman deposits. Roman settlement has been recorded 900m south west of the proposed site. Bronze Age barrows have been identified from aerial photographs 1km to the south west and west of the site. Further barrows have been recorded north of the site.
- 5.78 A geophysical survey has been undertaken on site which did not record any archaeological deposits however, the report highlights that this cannot be taken as 'an absolute representation of the underlying archaeological and non-archaeological remains'. A programme of archaeological investigation will be required to assess the veracity of the geophysical results. An archaeological evaluation has been undertaken on the site but has not been submitted with this application. This evaluation recorded a significant a significant number of archaeological features across the site. A programme of further archaeological investigation will be required ahead of any development. A condition by the County Archaeologist is therefore recommended in this respect.
- 5.79 The application proposal has also been assessed by Historic England in respect of its impact upon the SAM who raise no objection and agree with the conclusion drawn in the Archaeological and Heritage Statement contained within the ES that the development would result in a very low level of harm to the Scheduled Ancient Monument known as Wretchwick Deserted Medieval Village.
- 5.80 Having regard to the above, it is considered that the development proposed is therefore in accordance with the advice within the NPPF and the policies within the Development Plan and is therefore acceptable in this respect.

Design, Layout and Appearance

- 5.81 Section 7 of the NPPF – Requiring good design, attaches great importance to the design of the built environment and advises at paragraph 56 that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people'.
- 5.82 Paragraph 58 also states that planning policies and decisions should aim to ensure that developments achieve a number of results including the establishment of a

strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit and that developments should respond to the local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

- 5.83 Paragraph 61 also states that 'although visual appearance and the architecture of individual buildings are very important factors, securing high quality design goes beyond aesthetic considerations. Therefore planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment'. The site is located on open agricultural land, beyond the current built up limits of Bicester. A pair of small semi-detached cottages is located immediately to the west of the site and residential properties are also within the vicinity of the site on the opposite side of the A41. The application proposal is at the key entry into Bicester from along A41 from Aylesbury and the east, as well as nearby villages, such as Ambrosden and Blackthorn and it is therefore important that the proposed development provides an appropriate 'gateway setting' both in terms of its design, scale and positioning of the buildings, parking and service areas and choice of materials.
- 5.84 Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 advises that design standards for new development, whether housing or commercial development are equally important, and seeks to provide a framework for considering the quality of the development and to ensure that we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The adopted Cherwell Local Plan 1996 contains saved Policy C28 which states that 'control will be exercised over all new development to ensure that the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'. Policy ESD15 also advises that the design of all new developments will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the design rationale. This should be demonstrated in the Design and Access Statement.
- 5.85 The appearance of new development and its relationship with its surroundings and its natural and built environment can have a significant effect on the character and appearance of an area. Securing development that can positively contribute to the character of its local environment and has longevity is therefore of key importance. The application has been submitted as a hybrid, seeking detailed planning consent for the erection of two B8 buildings and the new access into the development at the eastern end of the site, furthest away from Bicester, and outline consent on the remainder.
- 5.86 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to scale, form and design are as follows:
- A comprehensive master plan for the allocated site
 - Commercial buildings with a high quality design and finish, with careful consideration given to layout, architecture, materials, colourings and to building heights to reduce overall visual impact
 - Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity
 - A well designed approach to the urban edge, which relates development at the periphery, and affords good access to the countryside
 - The provision of public art to enhance the quality of the place, legibility and identity
 - A proposal that is well integrated with improved, sustainable connections between the existing development and new development on this site
 - New footpaths and cycleways that link to existing networks

- A legible hierarchy of routes to encourage sustainable modes of travel incorporating walkable neighbourhoods and incorporating cycle routes
- Provision of opportunities for green infrastructure links within and beyond the site
- The introduction of buffers/barriers/screening and the location of uses should be carefully considered to mitigate potential nuisances

- 5.87 A Design and Access Statement has been included in the application documentation. This document sets out in the introduction the changes that have occurred to the scheme following the initial outline submission (now at appeal) in response to on-going design discussions and public engagement. This includes a reduction in the overall floor space proposed of approximately 4,500 sqm, some additional landscaping, reduction in the maximum height of the buildings from 18m to 15.5m, an indication of possible footpath/cycle and green infrastructure links with the wider Bicester 12 development and amendments to the access onto A41 following discussions with the highway authority.
- 5.88 The Design and Access Statement also advises that the principle of this development proposal is to establish a flexible framework capable of accommodating a wide range of occupiers. A parameters plan submitted in conjunction with the outline element of the application seeks to set out the maximum development parameters in terms of use, floor area, height, maximum floor plate and finished floor levels in respect of Zone 2. The two buildings proposed in Zone 1 are detailed as these relate to the full part of the application. Within Zone 1, Unit A1 has been designed and is of a size which responds specifically to the secured pre-let requirements of a committed occupier, whilst Unit A2 will be constructed alongside unit A1 on a speculative basis and has been designed to suit a number of potential future occupiers. The parameters plans accompanying the outline submission also indicate a potential for between 2 and 5 B8 units on Zone 2. The ultimate number of units finally delivered on this section of the site will be dependent upon the needs of future occupiers. The maximum footprint of any one building on this part of the site is stated as 225m x 121m and 15.5m in height.
- 5.89 In terms of the design of the buildings, units A1 and A2 for which detailed planning consent is sought consist of long spanning steel portal frames, creating large column free internal areas for maximum flexibility of the internal areas. The buildings have been designed using a simple grey colour palette of various types of cladding either vertically or horizontally laid to give variation to the extensive elevations. The office elements which are generally located at the front of the building over-looking the car park will be clad in composite flat insulated metal panels, fitted horizontally between banks of aluminium framed windows. In terms of their appearance, these buildings are typical of modern B8 units.
- 5.90 The illustrative layout and the detailed plans relating to Zone 1 indicate the proposed buildings set at an angle to A41 which the applicant's state is in an attempt to reduce the visual massing and provide deeper landscape buffers where possible. In terms of unit A1, the service yard has been located adjacent to the A41. The applicants justify this as being in response to a request by officers to set the buildings back from A41 to enable sufficient landscaping mitigation to be provided along the eastern and southern boundaries and create a greater landscape setting and reduce the visual impact of the buildings on the approach into the town. Whilst the landscaping proposals submitted with the application now include the provision of a landscaped bund along this frontage, it is variable in its width and is only 6m wide in the south eastern corner adjacent to A41. Whilst the detailed element of this application proposal has sought to move the building back from the A41 frontage as suggested by the council's parameters plan, the provision of the service yard which will need to be securely fenced and lit, adjacent to A41 is of concern.

- 5.91 In terms of site security, the Design and Access Statement advises that site security would be required for each warehouse building and all goods service yards which would be achieved with 2.4m high colour coated paladin fencing, with anti-climb mesh panels mounted on steel posts, surrounding the buildings and external goods vehicle service areas. It states that the fencing would be positioned within the landscaped zones where possible. Vehicle parking for full HGV trailer and tractor combinations is also to be provided within the service yards.
- 5.92 It is also stated that a number of external facilities would also be required for each of the units as follows:
- Security gatehouse, nominal dimensions 8m x 4m x 3m high, located at the plot entrance
 - Cycle shelter for the secure storage of cycles located adjacent to the main building entrances
 - Galvanised steel water storage tanks approximately 10m diameter x 6m high and pump enclosures approximately 9m x 6m x 3m high for a fire fighting sprinkler system where required by occupier
 - Vehicle wash facilities (where specified by occupier)
 - Refuelling facilities (where specified by occupier)
 - Smoking shelters approximately 3m x 4m x 3m high located adjacent to car park areas
- 5.93 In terms of design and layout of this site and other commercial/employment developments, the Council has an approved SPG 'Design and Layout of Employment Sites – A guide' the aim of which is (i) to encourage high quality designs for new commercial development, (ii) to create attractive settings for new commercial development, (iii) to minimise the impact of new commercial buildings on neighbouring residential areas, the wider landscape and environment generally and (iv) to create a good image for the District's employment areas. Whilst this SPG was prepared in response to sites allocated for employment purposes in the adopted Cherwell Local Plan 1996, the principles identified within this document are still relevant to the more recent allocations within the Cherwell Local Plan 2011-2031, setting general principles and standards for scale, siting and layout; landscaping; noise and vibration and design of buildings, and in particular this application proposal which seeks consent for B8 buildings. In order to seek to avoid development which is considered to harm the appearance and character of the open countryside, or adjacent residential properties, a number of specific height and distance criteria are given.
- 5.94 As previously mentioned, part of the discussions with the agent during the consideration of the outline application (15/02316/OUT), in order to try to move the application forward, a parameters plan was produced on behalf of the Council which sought to identify building lines, landscape buffers and connectivity with the wider Bicester 12 allocation in respect of the development of this site. This parameter plan sought to incorporate the principles of the above document. The submitted HYBRID application has sought to address some of the concerns raised in respect of the outline application and identified by the council's parameters plan relating to the scale, form, positioning of buildings relative to the site boundaries, connectivity, green infrastructure and greater buffer planting to mitigate the visual impacts of the proposed development, however it is considered that the amendments in this application still do not go far enough and the proposal as submitted with the floor areas specified within the application description and on the parameters plan, therefore represents an over-development of the site with insufficient land for appropriate landscaping mitigation, biodiversity enhancement and SUDS drainage. The application submission states that these issues can be dealt with by condition, however, such matters can only be conditioned if there is a reasonable prospect that they can be successfully delivered. At a recent meeting the applicant undertook to submit further details and information regarding the compatibility of the landscaping, drainage and ecological mitigation proposed. This will be the subject of a written

update if necessary.

- 5.95 As stated above, saved Policy C28 of the adopted Cherwell Local Plan 1996 seeks to control development to ensure that the standards of its layout, design and external appearance are sympathetic to the rural or urban context of the site. The supporting text advises that the Council will seek to avoid discordant development that would harm the appearance and character of the countryside. Policy ESD15 of the adopted Cherwell Local Plan requires new development to complement and enhance the character of its context through sensitive siting and layout. It is considered that the proposed buildings due to their footprint, form, bulk, height and proximity to the boundaries of the site without sufficient landscape mitigation would dominate the approach into Bicester from both Ambrosden and Aylesbury to the detriment of the visual appearance of the locality and the adjacent open countryside. Furthermore, the building to plot ratio within the site is also very high with minimal scope for effective or significant landscaping. In terms of the outline submission for Zone 2, the parameters plan indicates green corridors through the centre of the site, however, these are only indicative and if the site was to be developed in accordance with the submitted plot parameters these could not be provided as indicated. The applicant has suggested that the provision of green infrastructure corridors could be conditioned as part of the outline consent. However, to be successfully conditioned there must be certainty that it can be delivered as part of a reserved matters application, but having regard to the quantum of development sought and the plot parameter table, it cannot be assured.
- 5.96 It is therefore considered that the proposal as submitted would cause harm to the locality and is contrary to Policies Bicester 12 and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan and the NPPF which requires new development to be visually attractive as a result of good architecture and appropriate landscaping in terms of the quantum of development on the site. It is considered that this objection could be overcome if the quantum of development was reduced and the necessary landscape buffers and internal green infrastructure assured.
- Ecology**
- 5.97 The NPPF – Conserving and enhancing the natural environment requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts of biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.98 Section 40 of the natural Environment and communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity’ and:
- 5.99 Local Planning Authorities must also have regards to the requirements of the EC Habitats Directive when determining an application where European protected Species are affected, as prescribed in Regulation 9 (5) of Conservation Regulations 2010, which states that ‘a competent authority, in exercising any of their functions must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions’.
- 5.100 Articles 12 and 16 of the EC Habitats Directive are aimed at the establishment and implementation of a strict protection regime for animal species listed in Annex IV(a) of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places.
- 5.101 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to

damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licences from natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met which include:

1. Is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature (development)
2. Is there a satisfactory alternative
3. Is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species

5.102 Therefore, where planning permission is required and protected species are likely to be found present at the site or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that local planning authorities must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions and also the derogation requirements (the 3 tests) might be met. Consequently a protected species survey must be undertaken and it is for the applicant to demonstrate to the Local Planning Authority that the 3 strict derogation tests can be met prior to the determination of the application.

5.103 Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and seeks to achieve biodiversity net gain through development by the protection and enhancement of biodiversity and the natural environment. The supporting text also requires all developments around Bicester to carry out surveys for the brown hairstreak butterfly as well as a consideration of the site's value as a wildlife corridor and the contribution it makes to ecological networks.

5.104 Policy Bicester 12 identifies key site specific design and place shaping principles relevant to ecology and biodiversity as follows:

- A comprehensive master plan for the allocated site
- Retention and enhancement of hedgerows and the introduction of new landscaping features that will ensure the preservation and enhancement of biodiversity, resulting in an overall net gain. Development should demonstrate the enhancement, restoration or creation of wildlife corridors
- Provision of opportunities for green infrastructure links within and beyond the development site to the wider town and open countryside including appropriate improvements to connectivity between areas of ecological interest
- Adequate investigation of, protection of and management of protected habitats and species on site given the ecological value of the site, with biodiversity preserved and enhanced
- The preparation and implementation of an Ecological Management Plan to ensure the long term conservation of habitats and species within the site
- Ensure there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts

5.105 The submitted ES includes a chapter on ecology. An assessment of the potential ecological effects that the proposed development might have on the site and its surroundings has been carried out by the Environmental Dimension Partnership on behalf of the applicant. The assessment includes a review of the current conditions found within the area and identifies measures to avoid, mitigate and/or compensate where appropriate. The assessment has been based on the review of available ecological records and appropriate ecological surveys to understand the ecological value of the site and its local context. The assessment found that the habitats within the application site are generally of minimal ecological value, reflecting its agricultural use. However, some habitats of local value were identified, namely the mature hedgerows and (off-site) pond. In terms of habitats the ES states that the cumulative effects of the larger scale of total habitat losses are not considered to be significant

on the assumption that each development provides adequate mitigation in accordance with national and local planning policies.

- 5.106 In terms of protected and/or notable species, information was collected through a desk study and range of field surveys. In terms of birds, TVERC records were used together with a full breeding bird survey carried out in Spring 2015. Overall a total of 29 species of bird were recorded, a total of 10 of which are of conservation importance in terms of being listed as species of principal importance for conservation in England under Section 41 of the NERC Act (2006) and/or having been assessed as Red/Amber Listed Species of conservation concern. Of these only dunnock and yellowhammer were confirmed to be breeding within the site.
- 5.107 Bat surveys undertaken within the site comprised assessments of trees for their potential to support roosting bats, with further detailed emergence surveys of a medium potential tree located along the northern boundary of the site, together with manual and automated bat activity surveys. In terms of Great Crested Newts, the surveys found no evidence of their presence on the site, although they are present in ponds outside the application site.
- 5.108 The desk study confirmed the presence of brown hairstreak butterfly within the local surroundings of the site including a number of records from Gavray Drive Meadows LWS and a single record of an egg at the A41/Ploughley Road junction immediately beyond the southern boundary of the site. A targeted egg search involving a thorough survey of sample sections from all hedgerows within the site for the presence of brown hairstreak eggs was undertaken by EDP on 3rd December 2015. The egg search recorded a total of two eggs within the site. This hedgerow will be removed as part of the development proposals. The ES states that due to the retention of existing hedgerows to the boundaries of the site (except to create access points) that the habitat loss has only minor significance. The ES advises that the overall, adverse effects have been avoided or reduced through inherent mitigation incorporated into the parameter plans for the site and the detailed proposals for Zone 1, and via the provision of the CEMP to be secured via a planning condition. It must be noted however, that if such matters are to be conditioned that the proposal must be clear that such mitigation is capable of being accommodated within the site and that sufficient space is maintained for sufficient and appropriate landscaping proposals and green infrastructure links to act as wildlife corridors in order to comply with the above mentioned advice, Development Plan policies and the advice within the NPPF.
- 5.109 The submission has been assessed by the Council's Ecologist and the county Ecologist. A number of concerns have been raised in respect of the biodiversity enhancements proposed and whether they can be successfully incorporated into the landscaping scheme for the site. In the absence of certainty about the protection of existing habitats and wildlife and biodiversity net gain across the application proposal the application is considered contrary to the requirements of Policies Bicester 12 and ESD10 of the adopted Cherwell local Plan 2011-2031 and the NPPF. It is considered that these concerns could be successfully addressed should the applicant be willing to engage further by reducing the overall quantum of development and maximum sizes of the buildings, increasing the width of the landscape buffers, retaining existing trees and hedgerows as far as possible and ensuring green infrastructure links through the development.
- 5.110 **Flood Risk and Drainage**
The NPPF – Meeting the challenge of climate change, flooding and coastal change advises that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.

- 5.111 Policy ESD6 of the adopted Cherwell Local Plan requires that flood risk assessments are included with development proposals such as the application site which should assess all sources of flood risk and demonstrate that
- There will be no increase in surface water discharge rates or volumes during storm events up to and including the 1 in 100 year storm event with an allowance for climate change (the design storm event)
 - Development will not flood from surface water up to and including the design storm event and any surface water flooding beyond the 1 in 30 year storm event, up to and including the design storm event will be safely contained on site.
- 5.112 Policy ESD7 of the adopted Cherwell Local Plan (Part 1) 2011-2031 sets out the Council's approach to Sustainable Drainage Systems (SuDS) to ensure new developments are better adapted to the predicted impacts of climate change in the South East, which include more intense rainfall events and in order to prevent surface water run-off from increasing flood risk. Policy ESD7 is supported by the Flood and Water Management Act 2010 which presumes that SuDS will be used for all new developments which seek to manage surface water as close to its source as possible. The policy states that 'all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off.
- 5.113 Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those most relevant to flood risk and drainage are as follows:
- A comprehensive master plan for the allocated site
 - Ensure that there are no detrimental impacts on downstream sites of Special Scientific Interest through hydrological, hydro chemical or sedimentation impacts
 - A flood risk assessment should include detailed modelling of the water courses. Development should be excluded from flood zone 3 plus climate change and public open space/recreation areas located near water courses to create 'blue corridors'
 - Take account of the Council's Strategic Flood Risk Assessment for the site
 - The incorporation of SUDS, taking account of the recommendations of the Council's SFRA. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable; due to underlying geology and ground water vulnerability attenuation techniques are likely to be required
- 5.114

The ES submitted with the application includes a chapter on flood risk and the water environment which assess the likely significant impacts of the proposed development relating to flood risk, surface water drainage, water quality and consumption of public water supply. Field drains surround the site along the western, northern and eastern site boundaries. The field drains to the north and west of the site appear to flow northwards towards the River Ray. A field drain flows in a southerly direction along the eastern site boundary and is culverted beneath the A41 at the south eastern corner of the site before continuing in a southerly direction to confluence with the River Ray.

5.115

The flood risk assessment and the drainage strategy have been assessed by OCC as Lead Flood Authority. In terms of the full application, they state that there is limited use of SUDS techniques, especially using soft vegetative SUDS, source control and treatment train approach has been made throughout the site. A concern is also raised about how the proposals will meet water quality objectives to comply with Cherwell Local Plan policy; NTS and good practice and the provision of hydrocarbon interceptor alone may be insufficient. In terms of the outline proposal a concern has been raised as to how cut and fill across the site interferes with the natural flow paths of the greenfield condition. To resolve the objection OCC require:

For the full application

1. Provide some assessment detail as to why vegetative SUDS or hard SUDS Source control techniques cannot be used to meet SUDS water quality objectives in a treatment train. This could be assisted by providing a matrix assessment table. This should show that the potential for SUDS is being maximised where it is practical to do so to meet water quality objectives
2. Permeability tests at the site to prove the expected low or no permeability condition
3. Assessment of pre and post-development run-off volumes and conclusion as to whether it is practicable to control volumes to the greenfield condition to demonstrate compliance with NSTS S5
4. Clarify the feasibility of orifice control to discharge to the 100% annual storm probability to fully meet NSTS standard S2
5. Confirmation of hydrocarbon interceptor, treatment plant and pump details
6. Provide calculation detail of the flood modelling for the compensation lowering
7. Provide further plans as noted of long and cross section details to include the outfall to the ditch and detail of hydrocarbon interceptor
8. Clarify ownership of the field drain ditch at outfall
9. Provide proposed maintenance details for the proposed pump and hydrocarbon interceptor and any further SUDS proposals
10. Graphically illustrate on a plan the areas of flooding and flood routes in exceedance events, showing flood volumes

For the outline

1. As 1 above
2. Resolve concerns surrounding the flood risk at the site and downstream, which concern the capacity of the land drain to accept and carry away flows. This should include assessment of the watercourse condition and infrastructure downstream
3. Assessment of pre and post-development run off volumes to the greenfield condition to demonstrate compliance with NSTS S4-S9 and Cherwell local plan policy
4. Demonstrate compliance to control discharge to the relevant greenfield annual storm probabilities to fully meet NSTS standard S1-S2 and Cherwell local plan policy
5. Provide a surface water statement that would comprehensively address the surface water issues raised and fully evaluate SUDS potential. This should include outline drainage plans and maintenance statement and proposals, and calculations. Show on plans the existing catchment and drainage flow regime and proposed drainage catchments

5.116

Following the above, further discussions have been held between OCC and the applicant's consultants and revised drainage proposals have now been submitted which have removed the above objection subject to the imposition of a number of conditions. The revised submission however, as discussed previously includes drainage pipes, swales and attenuation areas within the landscaped buffers and the Council's Landscape Officer does not consider the two to be compatible in seeking to successfully provide suitable mitigation screening. The applicant's consultant has undertaken to provide additional detail and information regarding this issue and revised plans have been submitted. The comments of the Council's Landscape Officer are awaited and Members will be updated at the meeting.

5.117

Effect on Neighbouring Amenity

Significant objections have been received from the occupiers of the adjacent dwellings known as Wretchwick Farm Cottages. The objections can be read in full on the application documentation. The application proposal has sought to address the

5.118 impact on these cottages by the provision of a landscaped bund in the south eastern corner of the site adjacent to the existing public right of way. Due to the nature and scale of the proposed development and the fact that this is the development of a green field site in open countryside, the proposal will result in some localised harm to the existing residential properties within the immediate vicinity of the site, and the development of this site and the remainder of Bicester 12 will have an urbanising effect on this currently rural location. The site however is allocated for mixed use development under Policy Bicester 12 of the adopted Cherwell Local Plan and therefore we need to ensure that the impact of the proposed development on these residential properties is not so great as to have an unacceptable impact on their residential amenities.

5.119 The accompanying ES has addressed the impact of the development on these residential properties, both in terms of the construction of the site and its operational use once constructed and concluded that the impacts would not be sufficient to justify refusal of the application. The ES in terms of noise and vibration has been assessed by the Councils Environmental protection Officer who raises no objections subject to the imposition of conditions including a Construction Environmental Management Plan.

5.120 Policy C31 of the adopted Cherwell Local Plan advises that in existing and proposed residential areas that development which is not compatible with the residential character of an area, or would cause an unacceptable level of nuisance or visual intrusion would not normally be permitted. As expressed above, the proposal by virtue of its scale, form and type would have an impact upon the adjacent residential properties, however, this is an allocated site for mixed use development and the provision of a landscaped bund to the south eastern corner will reduce the visual impact and domination of the development when viewed from these properties. This issue would be addressed further at reserve matters stage when the position, scale and orientation of the building and service yards would be considered in more detail.

5.121 Having regard to the above therefore, it is considered that the proposed development would not have such a significant and unacceptable impact upon the residential amenities of the occupiers of these two cottages sufficient to justify refusal of the application proposal on these grounds.

Sustainability

5.122 All applicants submitting proposals for all non-residential development are required in paragraph B.185 of the Cherwell Local Plan Part 1 2011-2031 to submit an energy statement demonstrating compliance with Policy ESD2 which will be demonstrated through the application of Policies ESD3, ESD4 and ESD5. Policy ESD3 requires that non-residential developments should demonstrate that they have been designed to meet BREEAM 'Very Good' standard. Policy ESD4 requires all applications for non-domestic development above 1000 sqm to be accompanied by a feasibility assessment for District Heating/Combined Heat and Power. Policy ESD5 requires that all such development proposals should also be accompanied by a feasibility assessment for on-site renewable energy provision. No such feasibility assessment or Energy Statement has been submitted as part of this application.

5.123 The NPPF – 'Meeting the challenge of climate change, flooding and coastal change' advises at paragraph 94 that 'Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations'.

Paragraph 96 advises that in determining planning applications , local planning authorities should expect new development to:

- Comply with adopted Local Plan policies on local requirements for

- decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- 5.124
- Take account of landform, layout and building orientation, massing and landscaping to minimise energy consumption

Policy Bicester 12 identifies a number of key site specific design and place shaping principles, those relevant to sustainability are as follows:

- Demonstration of climate change mitigation and adaption measures including exemplary demonstration of compliance with the requirements of Policies ESD 1 – 5.
 - The incorporation of SUDS (see Policy ESD7: Sustainable Drainage Systems), taking account of the recommendations of the council's strategic Flood Risk assessment. Detailed site specific analysis and ground investigation to determine whether infiltration SUDS techniques are acceptable, due to underlying geology and groundwater vulnerability attenuation techniques are likely to be required
- 5.125

- The application submitted by the applicant's agent states that it is intended that the development will achieve a minimum of BREEAM 'Very Good' but suggests that the details should be required to be submitted by condition thereby complying with Policies ESD 1 -5 of the adopted Cherwell Local Plan Part 1 and Policy Bicester 12. The submission has been assessed by the Council's sustainability consultant who has raised concerns about the level of detail and information submitted. In the absence of further details as required in the consultation response and the submission of an energy statement and feasibility studies, the application proposal must be considered to be contrary to the above mentioned local Plan Policies and the requirements of the NPPF in this respect.
- 5.126

Planning Obligation

- The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. Policy INF1 of the adopted Cherwell Local Plan 2011-2031 states that; 'development proposals will be required to demonstrate that infrastructure requirements can be met, including the provision of transport infrastructure and improvements. Contributions can be secured via a section 106 Agreement provided they meet the tests of Regulation 122 of the Community Infrastructure Regulations 2010. This large scale development proposal will require a legal agreement to secure the mitigation and infrastructure necessary to make the development acceptable.
- 5.127

At the time of writing the report, the terms and details of the Planning Obligation have not yet been agreed between OCC and the applicant. The applicant has submitted a Unilateral Undertaking which is not acceptable. The following highway infrastructure improvements and contributions towards highway infrastructure works would be required as follows:

Section 278 required as follows:

- for the provision of highway works relating to the means of access to A41
- extension of the street lighting on A41 to the east of the proposed site access
- introduction of a 50mph speed limit on A41 to include the site access and junction with Ploughley Road – exact extent to be agreed
- a new section of footway/cycleway on the north side of the A41 from the site access as far as the junction of Ploughley road. This footway/cycleway will connect with the proposed new refuge island crossing point east of the Ploughley Road junction with the A41. This connection and the refuge itself (and connections onwards on the south side of the A41)
- hard standing for a pair of new bus stops in the vicinity of the junction of Ploughley Road and A41 either west of the junction of the A41 or just south of

the A41 on Ploughley Road

Section 106 required to secure

- Highway works as above
 - Pedestrian/cycle connections with the rest of Bicester 12 site. The developer would need to commit to providing (i) connections into/out of the site with the rest of Bicester 12 site and (ii) onward 3m shared use routes for cyclists and pedestrians from the points of connection with the adjacent site to reach all points of access of the different buildings on the site. There would need to be one connection each on the north western and north eastern boundaries of the site. The connections and onward routes would need to be provided within 6 months of the applicant being notified that development has commenced on the adjacent site.
 - Bus stop infrastructure - £21,955 towards the cost of procuring, installing and maintaining two Premium Route bus stop/pole/flag/information cases and one three-bay bus shelter with integral real time information display (Bicester bound stop) – for the new pair of bus stops being provided in the vicinity of the A41/Ploughley Road junction
 - Strategic transport – a financial contribution of £766,320 towards wider improvements to the Bicester transport network as a result of the development's contribution to the cumulative transport impacts of the wider proposals. The amount to be confirmed
 - Travel plans – £2,040 will be required to monitor the Framework travel Plan. A further £2,040 will be needed for the monitoring of the travel Plans for each of the individual units developed, for a period of 5 years post occupation of the site (£12,240 based on the indicative site layout showing 5 units)
- 5.128 • Travel plans

5.129 The total figure of £119,118 offered by the applicant in the Unilateral Undertaking falls considerably short of the transport contributions requested by OCC. Further, the applicant is suggesting small contributions to a number of different schemes which would cause problems with the pooling of contributions (CIL Regulation 123). OCC require a single contribution towards the county Council's proposed South East Relief Road or an equivalent scheme which would have the same outcome, that is, mitigating the effect of congestion at the A41/Boundary way. Without this, OCC consider the development would not be acceptable in planning terms. The necessary S278 works also need to be secured through a planning agreement. A condition as suggested by the applicant is not acceptable.

5.130 Commuted sums are not included in the UU. A S278 would not be agreed without payment of a commuted sum for maintenance. Without a S278 the necessary highway works could not be carried out and the development would therefore be acceptable in planning terms. A bus contribution is necessary to mitigate the impact of the development towards improved bus services. This has been omitted from the UU.

5.131 The wording in the UU regarding the pedestrian and cycle connections between this site and the remainder of Bicester 12 is not acceptable to OCC. As set out previously, detail of the connection points and onward routes are required, to be agreed prior to the commencement of development and their construction to be completed prior to the occupation of the development. The wording of the UU draft does not reflect this.

Having regard to the above, the planning obligation offered by the applicant by way of a Unilateral Undertaking is not acceptable and therefore the necessary infrastructure directly required as a consequence of this scheme will not be delivered. The proposal is therefore contrary to Policy INF1 of the adopted Cherwell Local Plan Part 1 2011-2031 and government advice within the NPPF in this respect.

Engagement

- 5.132 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged by seeking to work collaboratively with the applicant and through the efficient and timely determination of the application.

Conclusion

- 5.133 The application site is part of the larger Policy Bicester 12 mixed use allocation (including employment use) within the adopted Cherwell Local Plan 2011-2031, and the principle of B8 use on this site is therefore accepted. We have sought to work collaboratively with the applicant and agent to achieve an appropriate level of development on the site. Having regard to the above however, it is clear that having regard to the quantum, scale and form of development sought on the site that the proposal as submitted is contrary to Policy Bicester 12, policies ESD17, Policy ESD10, Policy ESD13, Policy ESD15 and Policy INF1 of the adopted Cherwell Local Plan and the advice within the NPPF. It would have an unacceptable visual impact upon the character and appearance of the locality with insufficient space for adequate mitigation. Furthermore the UU offered by the applicant is not sufficient to mitigate the impact of the proposed development in terms of the necessary infrastructure provision. The application as submitted is therefore not considered acceptable.

6. Recommendation

Refusal, as follows:

1. The development has not been brought forward in the light of a comprehensive master plan for the whole of Bicester 12 and as such, there is no certainty over the provision and timely delivery of attractive connections to and through the site for cyclists and pedestrians from the application site and development proposed site to the remainder of Bicester 12 and wider Bicester area, contrary to the proper planning of the area and the full integration of the site with the adjacent development contrary to the requirements of Policy Bicester 12 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the NPPF.
2. The application proposal in terms of the quantum, scale, type, form and layout proposed would have an unacceptable visual impact on the character and appearance of the locality and would represent an overdevelopment of the site with insufficient space for adequate mitigation measures as suggested in the ES, sufficient to make the development acceptable, contrary to Policies Bicester 12, ESD10, ESD 13, and ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government advice within the NPPF.
3. In the absence of a satisfactory planning obligation, the Local Planning authority is not convinced that the necessary infrastructure directly required as a result of this scheme will be delivered. This would be contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031 and Government advice within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of

the National Planning Policy Framework (March 2012), this decision has been taken by the Council having sought to work with the applicant/agent in a positive and proactive way and by the timely determination of the application.

Appendix 6



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Name and Address of Agent/Applicant :

Albion Land Ltd
c/o Framptons
Mr Peter Bateman
Oriel House
42 North Bar
Banbury
OX16 0TH

Date Registered: 7th October 2014

Proposal: OUTLINE - Erection of up to 53,000 sqm of floor space to be for B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access of Howes Lane pending the delivery of the realigned Howes Lane; 4.5ha of

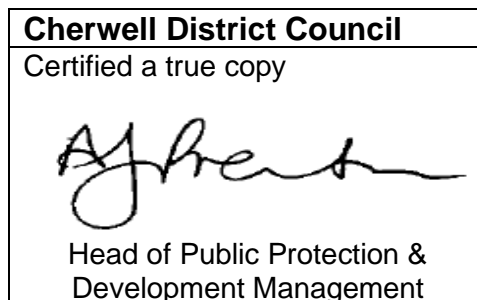
Location: OS Parcel 4200 Adjoining And North East Of A4095 And Adjoining And South West Of, Howes Lane, Bicester,

Parish(es): Bicester

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
Banbury
Oxon
OX15 4AA



Date of Decision 23rd June 2016

**Head of Public Protection
& Development Management**

REASONS FOR REFUSAL

- 1 The proposed employment uses, at 70% B8 and 30% B2 floor space, does not comply with Policy Bicester 1 of the Adopted Cherwell Local Plan 2011-2031 which states that the use classes sought across the North West Bicester site will be B1 with limited B2 and B8 uses. The proposed employment uses are not predominantly B1 and would provide lower employment levels than employment predominantly within Use Class B1. Additionally, the resulting scale, height and appearance of development from such a use class split, as established by the parameter plans submitted with the application, would be unacceptable in terms of the impact of the proposal upon the landscape, the visual amenities of the area and the amenity of neighbouring properties by virtue of being obtrusive and out of keeping with the predominantly residential character of the existing town and the development planned by the Masterplan for North West Bicester. The proposal is therefore not considered to be sustainable development and is contrary to Policies Bicester 1, SLE 1, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031, Policies C28 and C30 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.
- 2 By reason of a lack of a satisfactory completed S106 legal agreement to ensure that the development adequately mitigates its impact on community infrastructure, site wide infrastructure and secures the provision of affordable housing, the local planning authority cannot be satisfied that the impacts of the development in this respect can be made acceptable. In addition, the application provides insufficient information in respect of the detail relating to the Howes Lane temporary access, the provision of Green Infrastructure, the achievement of a net gain for biodiversity and an adequate Framework Travel Plan in order for an assessment to be made as to the acceptability of the proposal in relation to these specific matters. Consequently the proposals conflict with the requirements of Policies BSC3, BSC11, BSC12, INF1, Bicester 1, ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, Policy H5 of the Cherwell Local Plan 1996, the National Planning Policy Framework and the North West Bicester Supplementary Planning Document.

PLANNING NOTES

- 1 In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way to progress this application.



NOTICE OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 7



Appeal Decision

Inquiry Held on 12 and 13 September 2017

Site visit made on 11 September 2017

by P W Clark MA MRTPI MCMI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2017

Appeal Ref: APP/C3105/W/16/3163551

Land off Howes Lane and Middleton Stoney Road, Bicester, Oxfordshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Albion Land Ltd against the decision of Cherwell District Council.
 - The application Ref 14/01675/OUT, dated 2 October 2014, was refused by notice dated 23 June 2016.
 - The development proposed is the erection of up to 53,000 sq m of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45 ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5 ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure.
-

This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 28 November 2017.

Decision

1. The appeal is allowed and planning permission is granted in outline for the erection of up to 53,000 sq m of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45 ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5 ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure at Land off Howes Lane and Middleton Stoney Road, Bicester, Oxfordshire in accordance with the terms of the application, Ref 14/01675/OUT, dated 2 October 2014, as subsequently amended, subject to the thirty-three conditions appended to this decision.

Procedural matters

2. The application was made in outline with all matters reserved apart from some details of access to the site. Details of access within the site, appearance, landscaping, layout and scale are reserved for subsequent consideration and so

do not fall to be considered within this appeal except in so far as they are specified within parameters plans, for reasons explained further below.

3. The application originally proposed the erection of up to 53,000 square metres of B8 and B2 with ancillary B1 (use classes) employment provision within two employment zones covering an area of 9.45 ha, parking and service areas to serve the employment zones, a new access off the Middleton Stoney Road (B4030), temporary access off Howes Lane pending the delivery of the realigned Howes Lane, 4.5 ha of residential land, internal roads, paths and cycleways, landscaping including strategic green infrastructure (GI), provision of sustainable urban drainage systems (SUDS) incorporating landscaped areas with balancing ponds and swales, associated utilities and infrastructure.
4. It was amended during its consideration by the Council and again during the appeal process. The amendments were the subject of consultation as widespread as that on the original application and so nobody would be prejudiced by my basing the decision on the revised proposal. The description in the headings above and in the decision is that provided in a letter from Tim Waring, Director of Quod, the appellant's agents, to Cherwell District Council dated 11 April 2017 and is that also used in the Unilateral Undertaking reported below.
5. For the avoidance of doubt, the drawings on which this decision has been based are as follows:
 - Seymour Harris Architecture drawing number AP(0)001 dated 20-02-14 Red Line Boundary Relative to Existing Survey
 - Seymour Harris Architecture drawing number AP(0)002 revision L dated 14-01-14 Master Plan
 - David Tucker Associates drawing number 14042-30 revision B dated July 17 Highway Infrastructure Middleton Stoney Road Access (Inquiry document (ID) 7a)
 - David Tucker Associates drawing number 14042-32 revision E dated Sept 17 Highway Infrastructure prior to North West Bicester link road (ID 7b)
 - David Tucker Associates drawing number 14042-34 revision C dated Sept 17 Interim Residential Access (ID 7c)
 - David Tucker Associates drawing number 14042-25-2 revision a dated Sept 17 Highway Infrastructure Post North West Bicester link road (ID 7d)
 - David Tucker Associates drawing number 14042-45 revision f dated June 17 Residential Right Turn Lane Access from Strategic Link road (ID 7e).
6. The application was accompanied by an Environmental Statement prepared by Framptons. In preparation for the Inquiry into this appeal, the Environmental statement was completely substituted by a new Environmental Statement prepared by Quod. In accordance with decisions of the courts¹, any parameter plan submitted with an Environmental Statement must be applied by condition,

¹ R v Rochdale MBC ex parte Tew and Others [1999] 3 PLR 74 and R v Rochdale MBC ex parte Milne [2000] EHCW 650 (Admin)

if permission is granted, so as to establish an envelope within which the detailed design and discharge of reserved matters can proceed, irrespective of whether or not they would otherwise be required to make the development acceptable. These matters are therefore included for consideration within this appeal.

7. For the avoidance of doubt, the parameter plans on which this decision has been based are as follows:

- Chetwoods Architects drawing number 4216_SK_201 dated 22.03.17 Parameter Plan 01 Application site boundary
- Chetwoods Architects drawing number 4216_SK_202_ A dated 07.09.17 Parameter Plan 02_ A Land Use (ID 8a)
- Chetwoods Architects drawing number 4216_SK_203_ A revision C dated 11.09.17 Parameter Plan 03 A Building Heights Plan
- Chetwoods Architects drawing number 4216_SK_204_ A revision A dated 07.09.17 Parameter Plan 04A Vegetation Parameters
- Chetwoods Architects drawing number 4216_SK_205_ A_ revision E dated 12.09.17 Parameter Plan 05 A Vegetation Retention and Removal Plan
- Chetwoods Architects drawing number 4216_SK_206_ A_ revision A dated 12.09.17 Parameter Plan 06 A Access and Circulation Plan.

8. These show:

- The application outline boundary
- Residential development zones (two plots marked C3 residential), Employment Development zones (plot 3 marked B1c/B2/B8 – employment, plot 4 marked B2/B8 and ancillary B1 offices – employment), zones of strategic green infrastructure, roads, a route of temporary access and access points into plots 1 and 2 shown indicatively
- Areas on both plots 1 and 2 for ridge heights of up to 12 and 16 metres above current site levels, a development plateau for plot 3 of 84.3m aod with roof ridges up to 14 metres above the development plateau and two development plateaux of 83 and 85 m aod on plot 4 with roof ridges up to 16 metres above the development plateaux
- Areas of dense native tree and shrub planting, areas of parkland landscape including swales, tree planting, native woodland shrub mix, pond and play spaces, areas of combined verge and swales with tree planting, areas of a reserved corridor for strategic bus route – buffer to existing retained hedgerows with intermittent tree planting and meadow grass, an area of hedgerow buffer with proposed native hedgerow to augment existing, areas of proposed hedgerow planting and areas of retained hedgerow planting
- Five trees to be retained (including those included in Tree Preservation Order TPO 13/2001), three trees to be removed, four lengths of trees and hedgerows to be retained and reinforced, two lengths of proposed

hedgerow planting, a length of vegetation already proposed for removal in application 14/01968/F and five lengths of hedgerow to be removed

- Pedestrian, cycling and vehicular access works including Strategic Link Road (application reference 14/01968/F in part), a 32m wide reserved corridor for Strategic Bus Route, three areas within which pedestrian access is to be formed, two areas within which residential vehicular access is to be formed and interim access works.
9. The proposal is accompanied by a signed and dated Unilateral Undertaking. In addition to the usual procedural, administrative and interpretative matters, the Unilateral Undertaking provides for:
- A Health contribution of £259.46 per dwelling up to a maximum of £38,918.67 paid in two instalments for the provision of a GP surgery to serve the development
 - A Police contribution of £151.30 per dwelling up to a maximum of £22,693.96 paid in two instalments towards the increase in capital costs of providing neighbourhood policing
 - A Community Facilities Build contribution of £775.12 per dwelling up to a maximum of £116,267.91 paid in two instalments towards the construction of a community building and sports pavilion in the north-west Bicester development
 - A Community Development Fund contribution of £45.29 per dwelling up to a maximum of £6,792.64 towards community development work and support for groups of residents
 - A Community Workers contribution of £347.46 per dwelling up to a maximum of £52,118.38 for staff to carry out community development work
 - A Bicester Leisure Centre Phase 1 contribution of £498.48 per dwelling up to a maximum of £74,770.72 paid in two instalments towards phase 1 of Bicester Leisure Centre expansion work
 - A Sports Pitches contribution of £227.68 per dwelling up to a maximum of £34,151.82 paid in two instalments towards the provision of sports pitches in the north-west Bicester development
 - A Sports Pitch Maintenance contribution of £250.35 per dwelling up to a maximum of £37,551.76 towards the future maintenance of sports pitches
 - A Burial Ground contribution of £10.06 per dwelling up to a maximum of £1,507.75 towards the provision of a burial ground in the north-west Bicester development
 - A Waste Collection contribution of £109.84 per dwelling up to a maximum of £16,476 towards the provision of refuse and recycling containers for each dwelling
 - An Employment Biodiversity contribution of £17,994 towards the costs of a biodiversity offsetting scheme

- A Residential Biodiversity contribution of £8,944.42 (approximately equating to £59.63 per dwelling) towards the costs of a biodiversity offsetting scheme
- An Employment Public Art contribution of £75,646.74 and a Residential public art contribution of £27,667.54 (the latter approximately equating to £184.45 per dwelling) or, in the alternative, a Cultural Wellbeing Statement detailing proposals for the cultural enrichment of the development and its implementation
- A Community Management Organisation contribution of £2,605.89 per dwelling up to a maximum of £390,882.18 payable in four instalments towards encouraging and promoting environmental, social and economic sustainability principles, encouraging community engagement and involvement, liaison to secure full integration, investment to generate income and maintenance of any facilities transferred to the organisation.
- A Primary Education contribution of between £3,224.50 and £3,389.20 per 2-bedroom unit, £7,397.37 and £7,625.91 per 3-bedroom unit and £9,673.49 and £10,167.88 per dwelling 4-bedroom or larger (the parties dispute the size of the figures) payable in three instalments towards the provision of a new primary school at the north-west Bicester development.
- A Secondary Education contribution of between £2,748.47 and £3,277.57 per 2-bedroom unit, £7,245.97 and £8,521.67 per 3-bedroom unit and £11,743.48 and £13,765.78 per dwelling 4-bedroom or larger (the parties dispute the size of the figures) payable in three instalments towards the provision of a new secondary school at the north-west Bicester development.
- A Special Education Needs contribution of £114.54 per 2-bedroom unit, £277.24 per 3-bedroom unit and £400.38 per dwelling 4-bedroom or larger towards the expansion of SEN Bardwell School.
- A Bus Service contribution of £134,375.00 (approximately equivalent to £895.83 per dwelling) payable in two instalments relating to the occupancy of the dwellings towards the provision of a bus service connecting the development with Bicester town centre and Bicester Village station
- An Interim Bus Service contribution of £157,130, payable in four instalments relating to the occupancy of the employment floorspace prior to the opening of the Strategic Highway replacing Howes Lane towards the provision of a bus service linking the development with Bicester town centre.
- A Bus Infrastructure contribution of £38,920 shared equally between the residential development and the employment development, (approximately equivalent to £129.73 per dwelling) payable in two instalments towards the provision of bus stop infrastructure in the north-west Bicester development and on Middleton Stoney Road
- A Rights of Way contribution of £2,846 (equivalent to approximately £18.97 per dwelling) towards improvement to Bicester Bridleway 9 and Bucknell Bridleway 4

- A Cycle Improvements contribution of £28,040 (equivalent to approximately £186.93 per dwelling) towards the improvement of the cycle route along Middleton Stoney Road between Howes Lane and Oxford Road
- A Cycle Improvements contribution of £60,668 (equivalent to approximately £404.45 per dwelling) towards traffic calming and the improvement of the cycle route on Shakespeare Drive
- A Traffic Calming contribution of £6,568, related to the occupancy of the employment floorspace, towards a traffic calming scheme for Middleton Stoney village
- Two travel plan monitoring contributions of £1,309 each for the Residential Travel Plan (equivalent to approximately £8.72 per dwelling) and for the Employment Travel Plan
- A County Council monitoring fee of £7,500 (equivalent to about £50 per dwelling)
- A District Council monitoring fee of £1,127.44 (equivalent to about £7.52 per dwelling)
- Schemes for the provision of open space, incidental open space, a Neighbourhood Equipped Area of Play (NEAP) and Local Areas of Play (LAPs) to accord with Cherwell Local Plan policy BSC1, a Sustainable Drainage Scheme (SuDS) and not less than 0.14ha of allotments and their implementation, together with provisions for their transfer either to a Management Company or to the Council (in either case with financial contributions for future maintenance, amounting in the latter case to the equivalent of £2,109.93 per dwelling for the NEAP and one LAP alone)
- A Framework Affordable Housing Scheme for the provision of 30% of the proposed dwellings as affordable housing but subject to an Affordable Housing Viability Review three months before commencement
- The safeguarding of the land for the Strategic Highway (the diversion of Howes Lane), the licensing of a road developer to enter onto the land for the purposes of constructing the road, the dedication of the land as public highway on completion and a contribution of 1.73% of its funding costs. (estimated to be in excess of £20 million, equivalent to over £2,306.67 per dwelling)
- A Strategy for achieving zero carbon generation and its implementation
- The infrastructure works to be constructed to CEEQUAL "excellent" standard
- The non-residential buildings to be constructed to BREEAM "very good" standard with a capability of achieving "excellent" standard
- All contractors to be registered in the Considerate Contractor scheme
- A scheme of local sourcing of construction materials
- A residential development training and employment plan for seven apprentices

- An employment development training and employment plan for five apprentices
- A routeing agreement for employment development construction traffic
- The employment development not to start until a Highways Agreement with the County Council has been entered into for the Permanent Highway works on Middleton Stoney Road and not to be occupied until the Highway works have been completed
- The residential development (and plot 3 employment development) not to start until a Highways Agreement with the County Council has been entered into for the Temporary Highway works on Howes Lane and not to be occupied until the Highway works have been completed
- Monitoring the construction of the development and its functioning for ten years subsequently in accordance with the Eco Towns Standards Monitoring Scheme.

Some referencing errors in Schedule 27 of the Unilateral Undertaking came to light after it was delivered. These minor corrections, which are said not to undermine its interpretation, are listed in a letter from Pinsent Masons, the appellant's solicitors dated 26 October 2017 (post-Inquiry document 20). I note the assurance of the appellant's solicitors that these do not undermine the interpretation of the Schedule or the Undertaking as a whole.

10. An informal site visit was made before the opening of the Inquiry. Because of the outline nature of the proposal, no detailed matters arose during the Inquiry session which required a further site visit to understand. Accordingly, with the agreement of the parties, no further accompanied site visit was made.
11. The Inquiry sat on the two days stated above but was held open for public consultation on the revised scheme to be concluded and for the two main parties to conclude their negotiations on the Unilateral Undertaking and to provide closing remarks. The Inquiry was closed in writing on 1 November 2017.

Main Issues

12. The main issues arising from the Council's reasons for refusal were the effects of the proposal on:
 - The generation of employment
 - The landscape character of the area
 - The supply of affordable housing
 - The supply of and demand for community, social and transport infrastructure
 - Highway safety for pedestrians
 - The provision of green infrastructure
 - Biodiversity
 - The demand for and supply of transport.

13. By the time of the Inquiry, the council had granted permissions in response to two further applications which, in sum, duplicated the current appeal proposals and provide a fall-back position in the event of this appeal being dismissed. The Council did not therefore pursue any of its reasons for refusal except to the degree that these would or would not be satisfied by the Unilateral Undertaking or by conditions to be attached to a permission. The accredited Rule 6 party gave no evidence.
14. Consequently, the only remaining issues between the two main parties for the Inquiry to consider were firstly, whether the Unilateral Undertaking complied with the CIL regulations, both in terms of necessity, direct relationship to the development and proportionality to the development as well as the limitations on pooling financial contributions and secondly, what conditions would be necessary to make the proposed development acceptable and which would be relevant to planning and to the development, enforceable, precise and reasonable in all other respects.
15. However, there were a number of representations from third parties which were made in writing and which were not withdrawn. These concerned the generation of employment, the provision of affordable housing, the consistency of the development proposed with the character of the area in terms of both land use and height of buildings and the effects of the development on the capacity of local transport infrastructure and on the living conditions of nearby residents in terms of potential noise, air and light pollution. My decision therefore considers these matters, notwithstanding the agreement reached between the main parties.

Reasons

Employment generation

16. Although the proposal does not specify any particular employment mix, the development is anticipated to focus on warehousing and logistics (Use class B8) rather than offices (Use class B1a). This has disappointed many local people. The submitted Environmental Statement has tested both a mix of 70% B8 with 30% B2 and of 80% B2 with 20% B8.
17. Local Plan policy Bicester 1 seeks a total provision of at least 3,000 jobs within the overall North-West Bicester eco-town, of which approximately 1,000 would be in B use classes. Use classes would be expected to be B1 with limited B2 and B8 uses. The policy provides that the business park at the south-east corner of the allocation (i.e.; within the application site) is anticipated to generate between 700 and 1,000 jobs in use classes B1, B2 and B8 early in the Plan period.
18. Paragraph 4.8 of the Statement of Common Ground (August 2017) records that the five planning applications for other sites within the eco-town, together with the appeal site, would be expected to deliver in the region of 2,500 permanent on-site jobs, plus construction jobs. That is a slight shortfall compared to the policy aspiration.
19. The Economic Strategy submitted in support of the proposed development on the site itself claims that it is likely to provide between 900 and 1,200 net jobs, somewhat in excess of the requirements of policy. Using the Homes and Community Agency (HCA) standard of employment densities (Employment

Densities Guide 2010 – 2nd edition) the development can be shown to generate approximately 800 to 1,000 new jobs. Furthermore, paragraph 6.13 of the Statement of Common Ground confirms the Council's acceptance of the market evidence prepared by the appellant suggesting that the mix of uses envisaged would respond to current market conditions, thus increasing the prospect of early delivery of the jobs, in accordance with the policy requirement.

20. I have no reason to disagree with these assessments and so conclude that, notwithstanding the conflict with Local Plan policy requirements for an emphasis on B1 uses, the proposal would produce an acceptable degree of employment generation in accordance with the numerical aims of the policy.

Affordable housing

21. Contrary to the assertion of two correspondents that the proposal would provide no affordable housing, the submitted Unilateral Undertaking makes provision for 30% of the dwellings to be provided as affordable housing, subject to a viability assessment. This would comply with the requirement in Local Plan policies Bicester 1 and BSC3, the latter of which provides for "open book" financial analysis for in-house or external viability assessment and so, subject to the consideration of the Unilateral Undertaking in detail, considered below, I conclude that the proposal would make appropriate provision for affordable housing.

Character of area

22. The inclusion of the development site as an allocation within the Cherwell Local Plan 2011-2031 adopted in July 2015 necessarily implies a change in the character of the site from undeveloped farmland to a developed area. Many local residents feel that the character of the employment part of the proposal, likely to comprise a preponderance of large scale warehousing structures, would be incompatible with the character expected of an eco-town. But, as one correspondent writes: "Please consider the long-term vision of an eco-town where people can live and work in the same place and do not have to drive miles to find a job." It is part of the essential nature of the eco-town concept, reflected in the requirement of Local Plan policy Bicester 1 for a layout to maximise the potential for walkable neighbourhoods that employment is provided within walking distance of places where employees can live.
23. Appearance, landscaping, layout and scale are all matters reserved for later consideration, should outline permission be granted. But it is clear from the Parameter Plans (which are to be secured by condition) that the height of the buildings, their separation both from neighbouring residential areas and from undeveloped countryside to the south, and the nature of the vegetation proposed, including dense native tree and shrub planting to the west and south, would permit the reserved matters applications to comply with those parts of Local Plan policy Bicester 1 which require a well-designed approach to the urban edge, relating development at the periphery to its rural setting, minimising the impact of development when viewed from the surrounding countryside, respecting the landscape setting, maintaining visual separation with outlying settlements with careful consideration of open space and structural planting around the site. I therefore conclude that the proposal would have an acceptable effect on the character of the area, according both with Local Plan policy Bicester 1 and with policy ESD13 which seeks protection and enhancement of the local landscape especially in fringe locations.

Transport infrastructure

24. Paragraph 5.3.2 of the Highway and Transportation Issues Statement of Common Ground confirms the Highway Authority's acceptance of the appellant's predictions of the effects of the development proposed in the interim year of 2019 and in the year 2031 when the wider north-west Bicester eco-town, together with the diversion of Howes Lane on a new alignment is expected to be in place. These show acceptable effects on the junction of Howes Lane, Vendée Drive and Middleton Stoney Road and on the junction of Lord's Lane and Bucknell Road. No technical evidence is provided to cause me to disagree with these findings. The proposal makes adequate arrangements for and contribution to the construction of the diversion of Howes Lane through the site.
25. Many local commentators are concerned about the effects of the development on the current alignment of Howes Lane prior to its diversion. For the interim period before the diversion of Howes Lane onto its new alignment, the Highway Authority has identified a threshold of development within the overall north-west Bicester eco-town which can come forward without an unacceptable effect on highway capacity. In a series of technical notes, accepted by the Highway Authority, the developer has established the proportion of the proposed development which can go forward without generating traffic impact on the key junction of Howes Lane and Bucknell Road in excess of that implied in the Highway Authority's identified threshold. I have no reason to disagree with these findings, which can be secured by condition.
26. Public concerns focus on the effects of construction traffic. A provision of the Unilateral Undertaking establishes a routeing agreement for construction traffic in connection with the employment development. A condition can require the submission of a Construction Method Statement which for the residential development could be required to include a routeing plan for construction traffic to that part of the development.
27. Paragraph 7.1.2 of the Highway and Transportation Issues Statement of Common Ground confirms the Highway Authority's view that the existing bus service 21, operating on Wansbeck Drive (currently as a hail and ride arrangement) within about 125m of the boundary of the site is sufficient as an interim solution to serve the residential development. The Unilateral Undertaking proposes to fund the provision of a defined stop on Wansbeck Drive close to the point where public footpath 129/15 leads to the site. The construction of a controlled pedestrian crossing of Howes Drive at that point is shown on approved drawing 14042-32. This would facilitate safe pedestrian access between the residential site and the bus stop.
28. To serve the employment development, extra journeys would be provided on route 25 which runs along Middleton Stoney Road and bus stops would be provided outside the employment site on Middleton Stoney Road. The Unilateral Undertaking makes provision for these to be funded.
29. In the longer term a commercially sustainable bus service would be provided to serve the entire north-west Bicester development, passing through the development site along a reserved bus corridor. The Unilateral Undertaking proposes a proportionate contribution to the cost of establishing this service.

30. The Unilateral Undertaking also makes provision for the improvement of cycle facilities along Middleton Stoney Road and along Shakespeare Drive, for the improvement of two local footpaths and for a traffic calming scheme in Middleton Stoney village.
31. There is no technical evidence before me which would cause me to come to any conclusion other than that the proposal would have an acceptable effect on transport infrastructure.

Living conditions

32. Local residents report that the existing volume of traffic on Howes Lane adversely affects their living conditions in terms of noise and air pollution. They are concerned that the proposed development would exacerbate that situation. However, the proposed development makes provision for the diversion of Howes Lane onto a new alignment which should considerably improve the living conditions of those properties adjacent to Howes Lane and so be a material benefit.
33. In the interim, a condition is proposed to limit the quantity of development which may take place to that which can be accommodated without unduly overloading the junction of Howes Lane with Bucknell Road. Consequently, there would be only a moderate increase in traffic along Howes Lane². Adding a noise source to an existing noise source does not generally result in an arithmetically equivalent increase in noise because the existing noise tends to subsume the new noise source. For that reason, correspondents' fears, although understandable, are not well-founded. Tables 9.13 and 9.14 of the submitted Environmental Statement predict negligible effects on air pollution from the development. I have no information to contradict those findings and so I do not impose any condition restricting employment development access to the use of Middleton Stoney Road alone in advance of the delivery of the Howes Lane diversion (although for road capacity reasons I do impose a condition limiting the overall quantity of employment development which may be occupied prior to the completion of the Strategic Road Link).
34. There are also concerns that the new employment development would generate noise which would adversely affect the living conditions of nearby residents. This cannot be known until the details of the proposed development are made clear upon the submission of reserved matters. But the parameters plans, which can be imposed by condition, set the employment development at a distance from residential property. Distance attenuates noise generation. Furthermore, a condition can be imposed at this outline stage which sets acceptable limits to the levels of noise from the employment development to be experienced at nearby residential properties and with which detailed proposals would have to comply.
35. Likewise, the distance between the development proposed and existing residential properties is sufficient to allow for lighting to be designed which would have no adverse effect on existing residential properties.
36. The height of the development proposed would be limited by condition to that shown in the Parameters Plans. That, together with the distance required by compliance with the layout shown on the Parameters Plans between the

² An increase of up to 13% on the part of Howes Lane south of the temporary access proposed, according to paragraph 8.7.9 of the submitted Environmental Statement.

developments proposed and the existing development to the east of Howes Lane would ensure that there could be no overlooking of or oppressive outlook from the existing dwellings to the east of Howes Lane.

37. For all the above reasons I conclude that the proposals would have an acceptable effect on the living conditions of residents to the east of Howes Lane. The proposed development would therefore comply with the requirement of Local Plan policy ESD15 to consider the amenity of both existing and future development.

Unilateral Undertaking

38. One of the stated motivations for continuing with this appeal despite the granting of permissions for developments amounting to the same development as that proposed concerns the allegedly burdensome nature of the planning obligations resulting from the planning agreements reached in those permissions. The appellant believes that a test of these obligations against the CIL regulations would reduce the burden. To put this concern into context, the total financial contributions for a typical 3-bedroomed house may be summed as follows (to which must be added the effects of non-financial requirements):

• Health	£ 259.46
• Police	£ 151.30
• Community facilities Build	£ 775.12
• Community Development Fund	£ 45.29
• Community workers	£ 347.46
• Leisure Centre Phase 1	£ 498.48
• Sports pitches	£ 227.68
• Sports pitches maintenance	£ 250.35
• Burial Ground	£ 10.06
• Waste collection	£ 109.84
• Residential biodiversity	£ 59.63
• Residential public art	£ 184.45
• Community Management Organisation	£2605.89
• Primary education	£7625.91
• Secondary education	£8521.67
• SEN contribution	£ 114.54
• Bus service	£ 895.83
• Bus infrastructure	£ 129.73
• Rights of Way	£ 18.97
• Middleton Road Cycle improvements	£ 186.93

• Shakespeare Drive Cycle improvements	£ 404.45
• Travel Plan monitoring	£ 8.72
• County council monitoring	£ 50.00
• District Council monitoring	£ 7.52
• Open space maintenance ³	£2109.93
• Strategic Highway ⁴	£2306.67
 Total	 £27905.88

39. The Council is concerned that the terms of the Unilateral Undertaking would not be enforceable against individual purchasers of dwellings. In consequence it would have to obtain an injunction if occupancy thresholds which triggered the payment of obligations were passed without payments being made. But it is normal for planning obligations to be enforced by injunction and commonplace for individual purchasers to be excluded from liability for misdemeanours which may be incurred by the developer. This is because it would normally be regarded as disproportionate to deprive any one owner or occupier on a large development of the right to occupy their home as a penalty for a developer's failure to pay a financial contribution related to a much larger number of homes when due.⁵ I do not regard the Unilateral Obligation as ineffective on account of this provision.
40. The Council is also concerned that because most of the contributions are expressed in terms of rates per dwelling, the total contribution from the appeal site may be less than expected if reserved matters approvals result in a lesser number of dwellings than presumed in calculating the share of the total costs for north-west Bicester attributed to this site. But this is largely an inevitable consequence of a planning obligation prepared at outline stage when details of dwelling numbers and sizes and hence the numbers of people for whom infrastructure provision is needed are not known.
41. If detailed approvals lead to a lesser population then it is likely that a lesser infrastructure provision would be needed in any event. Moreover, if it turns out that the details submitted for reserved matters approval would not result in an adequate provision of infrastructure, it is open to the Council to decline to approve the details for that reason, since details submitted for approval are as subject to compliance with Local Plan policy Bicester 1 as the outline application. For these reasons I do not consider that the formulation used in the Planning obligations submitted in association with this outline proposal would be inadequate.
42. In response to the appellant's concerns that the financial contributions proposed in the Unilateral Undertaking would contravene the parts of the CIL regulations which preclude the pooling of contributions, the District and County

³ Contingent on transfer to District Council rather than management company

⁴ Approximate estimate based on information in letter from Barton Willmore dated 13 September 2017

⁵ The same may not be true on a small development where a single occupant may exert greater proportional responsibility for the discharge of obligations

Councils have provided information concerning the other planning applications which comprise the overall North-West Bicester eco-town which demonstrates that the pooling restrictions would not be contravened. I have no reason to disagree.

Health

43. Paragraph 12.4.35 of the submitted Environmental Statement June 2017 suggests that there may currently be surplus General Practitioner capacity within Bicester because the average doctor's list is 952 patients compared with a London Healthy Urban Development Unit (HUDU) benchmark of 1,800. But the nearest premises are about 1.7km from the site and so nearer premises are required to serve the development, even if no additional doctors need to be recruited. Local Plan policy Bicester 1 requires the provision of a surgery for 7 GPs to serve the whole eco-town development. A scheme is included within the Council's Infrastructure Delivery Plan for completion within about five years. The suggested contribution in the Unilateral Undertaking is proportionate to that and so I conclude that the obligation outlined in Schedule 1 of the Unilateral Undertaking complies with the CIL Regulations.

Policing

44. Thames Valley Police has assessed that the development of the North-West Bicester eco-town, of which the development is part will generate: (i) a requirement for 15 new members of staff to police the additional population generated by the development; (ii) to be accommodated by an extension to and adaptation of the existing Bicester Police Station; (iii) a control room/police network database at their Kidlington district headquarters; (iv) 4.5 additional patrol vehicles, 4.5 PCSO vehicles and 6 bicycles; (v) two additional Automatic Number Plate Recognition cameras; (vi) mobile IT kit for each police officer; and (vii) an increase in radio coverage.
45. Proposals are included in the Council's Infrastructure Delivery Plan. Each element would be delivered in phases. The first phase of additional personnel would be delivered by the 2,000th dwelling (probably around the year 2028 according to the trajectory described in the Council's Infrastructure Delivery plan), the second phase by the 3,500th dwelling (circa 2033) and the third phase by the 5,500th (out of 6,000) dwellings (circa 2043).
46. I am not convinced that the revenue costs of paying the salaries of the additional staff required is a cost attributable to the development, since residents of the development will be paying in the usual way towards the funding of police salaries. To make a contribution through a planning obligation charged to the capital costs of buying their homes would be paying twice over and is not necessary. To that extent I do not regard the obligation contained in Schedule 2 of the Unilateral Undertaking as complying with the CIL regulations. But the other elements represent capital costs which can be said to be attributable to the development.
47. The accommodation would be provided towards the end of the eco-town's build-out period (design work on Bicester Police station to commence by the 4,900th dwelling, circa 2039). The building work would be started by the time of the 5,260th dwelling (circa 2042) and be completed by the time of the 5,500th dwelling (circa 2043).

48. The first phase of the control room would be rolled out by the 2,500th dwelling (circa 2029), the second phase circa 2043 by the time of the 5,500th dwelling. Phase 1 of the vehicle fleet would be delivered by the time of the 2,000th dwelling (circa 2028), the second phase by about the 3,500th dwelling (circa 2033) and the final phase by the 5,500th dwelling (circa 2043).
49. The two ANPR cameras would be installed by the time of the 2,000th dwelling (circa 2028). Phase 1 of the mobile IT equipment roll-out would be completed at the same time, phase 2 by the 3,500th dwelling (circa 2033) and phase 3 by the 5,500th dwelling (circa 2043). Phase 1 of the increased radio coverage would be completed by the 2,500th dwelling (circa 2029) and the second phase by the time of the 5,500th dwelling (circa 2043).
50. Because the obligation contained in Schedule 2 of the Unilateral Undertaking includes a payback requirement if the contribution is not spent or committed within 15 years of the final payment of the contribution (probably circa 2035), it is likely that the obligation would in fact contribute only to the ANPR cameras, the first phase of the control room, the first two phases of the IT equipment roll-out and the first phase of the increased radio coverage. In so far as that would be fairly and reasonably related in scale and kind to the development and is directly related to the development, I accept that the obligation contained in Schedule 2 of the Unilateral Undertaking complies with the CIL regulations and I have taken it into account in making my decision.

Community Facilities Building

51. Local Plan policy Bicester 1 requires the provision of Community Facilities, to include facilities for leisure and indoor and outdoor sport and community meeting spaces. The Council's Infrastructure Delivery Plan provides for three temporary and three permanent community halls to serve the whole of the North-West Bicester eco town. The first temporary community hall is already in place and functioning. The second temporary hall is expected to be completed by the time of the 640th dwelling in the eco-town (in the early 2020s) and the third temporary hall by the time of the 1100th dwelling in the eco-town (in the mid 2020s).
52. Permanent Community Hall 1 (to be sited north of the railway line) is expected to be delivered by the time 640 dwellings have been delivered within the eco-town (within two-three years). Permanent Community Hall 2 (to be sited north of the railway line) is expected to be delivered by the time 3,000 dwellings have been completed in the eco-town (circa 2031). The third permanent Community Hall (to be sited south of the railway line) is expected to be delivered by the time 4,900 dwellings have been completed in the eco-town (circa 2039).
53. The Council's Infrastructure Delivery Plan provides for the design of a sports pavilion south of the railway line to commence by the time of the 4,970th dwelling in the eco-town (circa 2039) with completion by the time of the 5,600th dwelling (circa 2040/2041).
54. Because the obligation contained in Schedule 3 of the Unilateral Undertaking includes a payback requirement if the contribution is not spent or committed within 15 years of the final payment of the contribution (probably circa 2035) and because the definition of community facilities contained in the obligation is restricted to those south of the railway line, it is likely that the obligation would in fact expire before the construction of the sports pavilion or the third

community hall and could do no more than contribute to the funding of the third temporary community hall.

55. In so far as that would be fairly and reasonably related in scale and kind to the development and is directly related to the development, I accept that the obligation contained in Schedule 3 of the Unilateral Undertaking complies with the CIL regulations and I have taken it into account in making my decision.

Community Workers and Community Development Fund

56. The Council's Note dated 13 October 2017 in respect of Community Development Workers, Community Development Fund and Community Led Management Organisation points out that a characteristic of large-scale developments is that while they will attract some residents from the local area, many new residents will be from elsewhere in the country and so there is a strong likelihood that many residents in north-west Bicester will have moved away from their previous support groups. The Note refers to evidence of "New Town Blues" which shows that while some people rise to the challenge, others, citing particular groups, have more difficulty in adjusting to their new life without familiar avenues of support.
57. The note provides a list of potential Community Development activities. These include engaging through a range of activities specific groups of people such as pregnant mothers, parents with new babies, parents with pre-school children, after school and holiday provision for school age children, evening provision for young people, provision for senior citizens and provision for other groups which may be specific to ethnicity and age.
58. But many of these are no different from what such groups in the general Bicester community outside the eco-town development area might expect and which would normally be funded through the Council tax. The proposed contributions are not for the limited purpose of pump-priming services before the new population is fully in place and contributing to Council tax revenues but are intended to pay for two community workers full time for twenty years and then part time for a further four years and to provide them with a fund to be spent within fifteen years pursuing their activities. New residents of the proposed development will also be paying Council tax during that time and should not be expected to pay twice over for such services through a financial contribution levied on the capital cost of buying their home.
59. For these reasons I conclude that the community workers to serve the development may be as necessary as they are to serve the rest of Bicester but the contributions sought are not directly related to the development and not fairly and reasonably related in scale and kind because they duplicate revenue raised through Council tax. I share the view reached by the Secretary of State in appeal reference APP/C3105/A/12/2178521 that contributions to the cost of a Community Development Worker do not meet the CIL tests. I therefore take no account of the obligations to provide a Community Development Fund contribution and a Community Workers contribution set out in Schedule 4 of the Unilateral Undertaking.

Bicester Leisure Centre Phase 1

60. Local Plan policy Bicester 1 requires the provision of Community Facilities, to include facilities for leisure and indoor and outdoor sport and community

meeting spaces. The Council's Infrastructure Delivery Plan records that work has already commenced on preparing the Design, the Business Case and obtaining Council approvals for the provision of additional predominantly dry side facilities at the Bicester Leisure Centre. It anticipates that work on site will commence by the time of 1,680 dwellings in the eco-town (circa 2024-25) and be completed twelve months later. This would be comfortably within the 15-year pay-back time for non-expenditure of the contribution envisaged in Schedule 5 of the Unilateral Undertaking and so it is likely that the contribution will contribute to the provision of infrastructure necessary to serve the development.

61. I concur that this would be necessary, directly related to the development and fairly and reasonably related to it in scale and kind. I therefore take it into account in making my decision.

Sports pitches contribution

62. Local Plan policy Bicester 1 requires the provision of Community Facilities, to include facilities for leisure and indoor and outdoor sport. The Council's Infrastructure Delivery Plan makes provision for two phases of permanent sports pitches south of the railway line and one north and also for one temporary pitch location south of the railway line to allow for the contingency that the permanent pitches are delayed.
63. Phase one of the pitches south of the railway line is expected to be complete by the time of the 1650th dwelling in the eco-town as a whole (circa 2024-25). Phase two would be expected to be complete by the time of the 2,550th dwelling in the eco-town (circa 2029). The pitches north of the railway line are expected to be complete by the time of the 1850th dwelling in the eco-town (circa 2025-26). Complete provision is expected well within the 15-year pay-back time for non-expenditure of the contribution envisaged in Schedule 6 of the Unilateral Undertaking and so it is likely that the contribution will contribute to the provision of infrastructure necessary to serve the development.
64. I therefore conclude that the sports pitches contribution included in schedule 6 of the Unilateral Undertaking is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

Sports pitch maintenance

65. Once provided, pitches need to be maintained. But, in that respect, the sports pitches required by this development are no different from the sports pitches which have been provided elsewhere within the local authority's area and which are maintained through funds raised either by fees for their use or by Council tax payers. The sports pitches in North-west Bicester are to be provided in proportion to the demand arising from the increased population of the development and it is appropriate that their capital costs do not fall on the wider population which has not required their provision. Once provided, the increased population resulting from the development will be paying Council tax like any other residents and should not need to pay twice over for the maintenance of their sports pitches through a planning obligation which adds to the capital cost of purchasing their homes.

66. In its papers provided subsequent to the Inquiry sitting, the Council asserts that the maintenance contribution is appropriately payable towards maintenance of the facilities prior to full build out of the wider development which the Council accepts should lead to a level of usage to enable the facilities to be self-financing. In contrast to the open space provisions of Schedule 16 this is not made clear within the Unilateral Undertaking itself. But it is clear from the implementation programme set out in the Council's Infrastructure Delivery Plan that the sports pitches would be provided in full in advance of most of the population of the eco-town taking up residence. Thus a requirement for a pump-priming maintenance contribution until the Council tax resource of the new residents takes effect is needed. This obligation contained within Schedule 6 of the Unilateral Undertaking is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind. It complies with the CIL regulations and so I have taken full account of it in reaching my decision.

Burial Ground contribution

67. The seventeenth bullet point of Local Plan policy Bicester 1 requires development of the North-West Bicester eco-town to provide a site for a Burial Ground of a minimum of 4ha. The appeal site is a part of the North-West Bicester eco-town allocation and so it is necessary that it should contribute to the provision required.

68. The Council's Infrastructure Delivery Plan makes provision for the completion of the first 0.9ha of a 4ha site by the time of the 1570th dwelling in the eco-town (circa 2024). This is expected well within the 15-year pay-back time for non-expenditure of the contribution envisaged in Schedule 7 of the Unilateral Undertaking and so it is likely that the contribution will contribute to the provision of infrastructure necessary to serve the development. This obligation contained within Schedule 7 of the Unilateral Undertaking is therefore necessary, directly related to the development and fairly and reasonably related in scale and kind. It complies with the CIL regulations and so I have taken full account of it in reaching my decision.

Waste collection

69. Obviously, waste bins need to be provided for the Council to carry out its statutory waste collection service and it would no doubt be convenient for them all to be provided to a standard pattern. Indeed the Council's conditions for providing its service may well require that. Most developers would no doubt consider it a selling point for their products to be provided with waste bins in the way that they are often provided with white goods such as dishwashers, fridges and washing machines. But, failing that, the Council has the power to charge for waste bins and does so. Consequently, there is no necessity arising from the development for them to be provided through a planning obligation.

70. I therefore concur with the decisions taken in appeals APP/C3105/A/14/2213263 and APP/C3105/A/12/2178521, amongst others, that an obligation to pay for the provision of refuse bins does not meet the CIL tests. In consequence, I have taken no account of the obligation contained in Schedule 8 in reaching my decision.

Biodiversity offsetting

71. Paragraph 6.4.30 of the submitted Environmental Statement confirms that the breeding and wintering bird assemblages at the site are considered to be of local ecological importance. Local Plan policy Bicester 1 requires a net gain in biodiversity as a result of the development. The Strategic Environmental Report for the North-West Bicester Ecotown acknowledges that the loss of farmland used by foraging and nesting birds cannot be mitigated on site and proposes a scheme of off-site mitigation by increasing the “carrying capacity” of other local habitat. This is clearly necessary in order to contribute to the achievement of the policy. The two Biodiversity contributions proposed in Schedule 9 of the Unilateral Undertaking are a proportionate contribution to this scheme and so comply with the CIL regulations.
72. Provision is made within the Council’s Infrastructure Delivery Plan for the first phase of the Biodiversity Offset scheme to be delivered by the time of the 2,500th dwelling on the eco-town (circa 2029). This is likely to be well before the date for the clawback of unspent funds set in Schedule 9 of the Unilateral Undertaking, so I am satisfied that the Undertaking is likely to result in the mitigation required.

Public Art

73. Local Plan policy Bicester 1 requires the provision of public art to enhance the quality of the place, legibility and identity. Schedule 11 of the Unilateral Undertaking provides for either the payment of a Public Art contribution or for the submission, approval and implementation of a Cultural Wellbeing Statement.
74. The Council’s Infrastructure Delivery Plan makes no provision for the expenditure of any Public Art contribution. It states the Council’s expectation that developers will deliver cultural wellbeing initiatives across all areas of development on site. I accept that that would be the preferred way of complying with the policy.
75. As this current appeal concerns an outline proposal, details of appearance, layout and landscaping are reserved for subsequent consideration by the Council in any event. When those details are submitted, it will be for the Council to consider whether they comply with Local Plan policy, including the requirement for public art. The details to be submitted may, at that stage, include the offer of a planning obligation to provide a payment in lieu of the provision of public art integral to the development even though that is clearly not the Council’s preferred method of compliance with policy. If the submitted details do not comply with policy, the Council may consider refusing to approve the details. But it is not necessary to require a cultural well-being statement for the provision of public art to be achieved.
76. I therefore conclude that the obligations contained in Schedule 11 of the Unilateral Undertaking are unnecessary and so do not comply with the CIL regulations. I have therefore taken no account of them in making my decision.

Community Management

77. The Council’s Note dated 13 October 2017 (INQ 14c) in respect of Community Development workers, Community Development Fund and Community Led Management Organisation records that the Community Led Management

Organisation is intended to have a long term role in the management and maintenance of community assets in the North-West Bicester eco-town. But paragraph 3.4 of the Council's Position statement in respect of matters set out in the letter from Quod to CDC dated 6 September 2017 stated as not being in agreement (Document INQ1 annex3) records that the residents of Elmsbrook who have been involved in the early stages of establishing a Community Led Management Organisation have advised that the long term management and maintenance of open space would not be desirable due to the ongoing requirements that a body of local residents would find difficult to manage. Appendix 14 of the Council's CIL compliance statement also confirms that open space on the Exemplar phase 1 development, elsewhere within the eco-town, will be managed by a private management company.

78. I note that Local Plan policy Bicester 1 includes a requirement for the submission of proposals to support the setting up and operation of a financially viable Local Management Organisation to allow locally based long term ownership and management of facilities in perpetuity and that the PPS for Ecotowns similarly requires the use of governance arrangements. But it is clear from the experience of the pilot scheme in Elmsbrook that the Community Led Management Organisation is not going to fulfil that role.
79. I also note that the obligation in Schedule 16 of the Unilateral Undertaking provides for the setting up of a Management Company to carry out the long term management and maintenance of any open spaces to be managed by it. It would have powers to level and collect charges and would be accountable to residents of the Development. It would therefore fulfil the governance requirements of Local Plan policy Bicester 1 and the PPS for Ecotowns.
80. There appears to be a clear duplication of function between the intention of setting up the Community Led Management Organisation and the intention of setting up the Management Company. Since those already involved in the early stages of the former have declined to take on the management and maintenance of community assets, it is clear that only the latter will serve the purpose envisaged in the Local Plan policy and PPS.
81. I therefore conclude that it is not necessary for the appeal development to contribute to the Community Led Management Organisation. The obligation set out in Schedule 15 of the Unilateral Undertaking would not comply with the CIL regulations for that reason and so I have not taken it into account in reaching my decision.

Education

82. Paragraphs 12.4.29 and 12.4.32 of the Environmental Statement suggest that Bicester may currently have about 5% spare capacity in primary schools and about 14% spare capacity in secondary schools. Some spare capacity, particularly in primary schools, is necessary to maintain the possibility of parental choice. In any event, the appeal site is part of the North-West Bicester eco town allocation within the Local Plan and so contributes to the demand from the eco town as a whole. Local Plan policy Bicester 1 requires sufficient secondary, primary and nursery education to be provided on site to meet projected needs. It is expected that four 2FE (forms of entry) primary schools and one secondary school would be required.

83. A contribution to this provision from the appeal proposal is therefore necessary to make the development acceptable in planning terms. The proportion of the contribution is fairly and reasonably related in scale and kind to the development and directly related to the development by the use of trigger points related to the occupancy of dwellings. In principle therefore, the three education contributions outlined in Schedule 25 of the Unilateral Undertaking would comply with the CIL regulations.
84. The Council's Infrastructure Delivery Plan includes provision for the development of four primary schools, a secondary school and for the extension of Bardwell School Bicester and a new Didcot Special School. Primary School 1 (Gagle Brook) is under construction. Primary School 2 (Himley Village) is estimated to start construction in line with the 1,000th dwelling on the eco-town. The first phase of Primary School 3 (Howes Lane) is likely to open at the time of the 2,750 dwelling in the eco-town (circa 2030). Phase 1 of Primary School 4 is expected to open coincident with the 3,500th dwelling on the eco-town (circa 2033).
85. The secondary school is likely to be delivered in three phases coinciding with the 2,000th, 4,000 and 5,500th dwelling on the eco town (circa 2027, 2035 and 2043). The Bardwell SEN extension is expected to be delivered in 2019/20. The Didcot SEN school is expected to be delivered in 2022/23 but the terms of Schedule 24 of the Unilateral Undertaking limit the Special Educational Needs contribution to the Bardwell School proposal. These delivery dates suggest that the contributions proposed in Schedule 24 could contribute to all the projects in the programme before the fifteen-year clawback date for unspent monies applies.
86. The point at issue between the parties relates solely to the construction costs factored into the Primary and Secondary Education contributions. The Special Education Needs contribution is not in dispute. There is in fact very little difference between the parties in the figures submitted subsequent to the Inquiry sitting for the Primary Schools; the Council suggests a figure of £8,838,800, the appellant suggests a slightly higher figure of £8,896,892. The main difference relates to the secondary school, where the parties are about £2m apart but the likelihood is that the appeal development's contribution would only be applied to the first phase of construction before the fifteen-year payback period takes effect.
87. In its post-Inquiry comments on the draft Unilateral Undertaking, the County Council suggested that the differences between the parties lay in the appellant's exclusion of embedded costs (such as furniture and ICT hardware), the County's adoption of discretionary additional space standards higher than national minima and the County's use of a wider range of benchmarking sources than basic BCIS data. I concur with the County Council's view that a school without its embedded equipment is not a functioning facility. I take the view that the schools provided to serve this development should not be provided to a lesser standard than that used elsewhere in the County and that the widest range of benchmarking sources is likely to provide the most robust construction figure.
88. The chances of failing to provide adequate educational infrastructure need to be minimised. For that reason, I am satisfied that the obligations included within Schedule 25 of the Unilateral Undertaking are necessary. In reaching

my decision I have taken into account the higher of the range of figures suggested by the parties. These are well-justified, directly related to the development and fairly and reasonably related in scale and kind and so I find that the obligations contained in Schedule 25 comply with the CIL regulations. I have taken them into account in full in making my decision.

Bus services

89. Local Plan policy Bicester 1 requires development within the eco-town to provide good accessibility to public transport services, including the provision of a bus route through the eco town with buses stopping at the railway stations and at new bus stops on the site. The County Council's Regulation 122 Compliance Statement, submitted to the Inquiry as an appendix to Caroline Ford's proof of evidence, adequately explains the necessity of the provisions of Schedules 19 and 20 of the Unilateral Undertaking and their relationship to the development.
90. The Council's Infrastructure Delivery Plan expects completion of the bus only link between the appeal site and land to the west to be delivered by the year 2021/22. It provides for the North-West Bicester bus service to commence upon the opening of the Strategic Link road and for the Interim bus service along Middleton Stoney Road to commence prior to the occupation of the employment element of the appeal proposal. It provides for bus stop infrastructure to be provided prior to the first occupation of each relevant phase of development. Thus the contributions provided through these undertakings are likely to lead to the satisfaction of the policy requirements. They are directly related to the development and fairly and reasonably related in scale and kind and so I am satisfied that they comply with the CIL regulations.

Rights of Way

91. Local Plan policy Bicester 1 requires development within the eco-town to reinforce connections with the wider landscape. The provisions of Schedule 21 of the Unilateral Undertaking would ensure compliance with this policy by the provision of contributions towards improvements to Bicester Bridleway 9 and Bucknell Bridleway 4 and so they are necessary for the development to be acceptable in planning terms.
92. The Council's Infrastructure Delivery Plan provides for the improvements to be delivered in two phases, the first in 2022/23, the second possibly in 2038/39. These timescales, and the provision within Schedule 21 of the Unilateral Undertaking to clawback monies not spent or committed within fifteen years means that the obligation is only likely to contribute to the first phase of implementation. In so far as this is fairly and reasonably related in scale and kind to the development, I conclude that it would be compliant with the CIL regulations.

Cycle Improvements

93. Local Plan policy Bicester 1 requires development within the eco-town to provide new footpaths and cycleways that link with existing networks. The County Council's Regulation 122 Compliance Statement submitted to the Inquiry as an appendix to Caroline Ford's proof of evidence adequately explains the necessity of the project and its relationship to the development. The

Council's Infrastructure Delivery Plan confirms that both stage 1 of the Shakespeare Drive cycle and traffic calming scheme and phase 1 of the Middleton Stoney Road cycle route will be delivered by the year 2022/23, likely to be well within the fifteen-year clawback period for unspent monies contained within Schedule 22 of the Unilateral Undertaking.

94. The contributions contained in Schedule 22 of the Unilateral Undertaking are therefore likely to lead to a satisfaction of the policy requirement. I conclude that they are compliant with the CIL regulations and have taken them into account in reaching my decision.

Traffic calming

95. Local Plan policy Bicester 1 requires development within the eco-town to provide measures to prevent vehicular traffic adversely affecting surrounding communities. Traffic modelling evidence has clearly demonstrated the effects of the north-west Bicester development, of which the proposal forms a part, on Middleton Stoney village. There are residential properties close to the roads affected and so their living conditions would be affected by the increase in traffic, necessitating a scheme of traffic calming to afford mitigation. The Council's Infrastructure Delivery Plan expects this scheme to be completed by the year 2023/24. The contribution proposed in Schedule 23 of the Unilateral Undertaking would be a proportionate contribution to this scheme and so complies with the CIL regulations.

Monitoring

96. A recent legal case⁶ has upheld the view that an administrative or monitoring fee in a planning obligation was not necessary to make the development acceptable. Monitoring and enforcement of planning controls is normally part of an authority's discretionary services, funded from its normal revenues. However, section 6 of the eco-towns supplement to the otherwise superseded Planning Policy Statement 1 advises that eco-towns will need to be monitored and that arrangements should be put in place for the long-term monitoring of eco-town standards.
97. For these reasons, the monitoring of development in eco-towns is a requirement unique to developments of that kind. I therefore conclude that, in the exceptional case of this eco-town development, monitoring fees, payable to the County and to the District are necessary. Those proposed in Schedules 18 and 24 of the Unilateral Undertaking are directly and fairly and reasonably related to the development in scale and kind and so I take them into account in making my decision.

Open space

98. Local Plan policy Bicester 1 requires that 40% of the total gross site area should comprise green space, of which at least half will be publicly accessible. The network would include sports pitches and the burial ground for which separate provision is made within the Unilateral Undertaking but it would also include parks and recreation areas, play spaces, allotments and SUDs.
99. Within the Council's Infrastructure Delivery Plan are provisions for a Community Farm, a Country Park, a Nature Reserve, Allotments, Play Areas

⁶ Oxfordshire County council v SSCLG [2015] EWHC 186

and Other Areas of Green Space. The Community Farm is expected to be completed by the time of the 2,130th dwelling within the eco-town (circa 2028). The Country Park would not be delivered until late in the development of the eco town (by the 4,680th dwelling, circa 2038-9). The Nature Reserve would be similarly late in the programme (completed by the time of the 4,900th dwelling in the eco-town, circa 2039). The Unilateral Undertaking offers no contribution to these projects. Instead it provides for various categories of open space to be provided on site to meet the 40% requirement of the policy. This also accords with the Council's Infrastructure Plan which provides that allotments, play areas and other areas of green space would be provided in tune with the delivery of each phase of development.

100. The Council has a particular concern about service runs under open space. But it should have as equal a concern about service runs under other public spaces such as roads. Its concern is better met by requiring details of all service runs to be submitted with the details of the layout of the scheme to be submitted at reserved matters stage. A suggested condition sought details of overground service runs. I have expanded this to require details to be submitted of all service routes so that the Council can satisfy its concerns.
101. The Council is also concerned that the obligations would cease to have effect if the open space is transferred to a Management Company. But Management Company is defined within Schedule 16 of the Undertaking as a body "to carry out the long term management and maintenance of any open spaces to be managed by it". There is to be a Management Company Structure Scheme, to be submitted to the Council for approval which will set out its constitution amongst other matters. Normally, a company's constitution will set out its purpose and objectives. There is to be a Management Company Default Deposit available to the Council should the Management Company fail to maintain any of the open space transferred to it and a Monitoring Payment made to the Council so that it can check on the performance of the Management Company in maintaining the open space. Finally, section 8 of Schedule provides for the Council to take over the management of the open space in the event that the Management Company fails to maintain it in accordance with the relevant scheme and technical specification. For these reasons I consider the Council's concern to be ill-founded.
102. The Council is also concerned that there is no trigger point for the provision of allotments. But clause 2.1.1 of Schedule 16 of the Undertaking provides that implementation of the residential development shall not take place until the phase of development within which the allotments will be delivered has been identified. So, even though the trigger point is not identified within the Unilateral Undertaking, there is clearly provision for it to be identified before the residential part of the development is implemented. For that reason, I consider the Council's concern to be ill-founded.
103. The Council correctly observes that there is no negative obligation whereby occupation of more than a set percentage of dwellings should not take place until the play areas have been provided. Instead, there are positive obligations to provide the NEAP prior to the occupation of 50% of the dwellings or of any dwelling within 30m of the boundary of the NEAP and to provide any LAP prior to the occupation of any dwelling within 30m of the boundary of the LAP. I accept that it may be more difficult to enforce a positive than a negative obligation but the obligations are provided and are adequate.

104. Finally the Council objects that there is no completion certificate process by which it can control the detailed standard of provision of the areas in question. But there is provision for the Council to inspect the completed areas and to issue a notice if any fails to comply with the scheme agreed for its provision. It is up to the Council to ensure, before it gives its approval to any scheme of provision, that the scheme provides sufficient detail for it to exercise its power of inspection on completion. Bearing in mind these provisions, I consider that the Council's objection has little substance.
105. I therefore conclude that the obligations contained within Schedule 16 of the Unilateral Undertaking are necessary, directly related to the development and fairly and reasonably related to it in scale and kind. They comply with the CIL regulations and so I have taken full account of them in reaching my decision.

Affordable housing

106. There is no doubt but that 30% of dwellings should be provided as affordable housing. This is required by Local Plan policy Bicester 1 and BSC3. The latter also prescribes the proportions of affordable housing to be provided as social rented and as intermediate tenures. In so far as the obligation set out in schedule 12 meets these requirements it meets the three CIL tests of being necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonable related in scale and kind to the development.
107. But the obligation goes well beyond those policy requirements in spelling out in precise detail the mix of tenure and dwelling types in percentages that could only be delivered in fractions of a dwelling. This is clearly impractical. In advance of the approval of reserved matters which would give details of housing types and numbers, this element of the obligation set out in the Unilateral Undertaking has little practical meaning. I doubt that it would be effective or could be precisely complied with.
108. In the council's comments on an earlier draft of the Unilateral Undertaking, it suggests a form of words for what it calls a "cascade" of affordable housing. Schedule 12 of the signed Unilateral Undertaking includes a cascade of the type suggested. Such a cascade envisages the possibility that a Registered Provider may not be found to accept the affordable housing proposed. It then canvasses the possibility of negotiating amendments to the affordable housing scheme, the possibility of the Council itself producing the affordable housing units on site and finally the possibility of accepting a commuted sum in lieu of provision on site. This cascade, suggested by the Council, accepts by implication the uncertainties of prescribing an affordable housing scheme at the outline stage when no detailed scheme has been designed.
109. In similar vein, Schedule 13 of the Unilateral Undertaking provides an opportunity for the developer to submit a Viability Review three months before implementing the residential development. This Viability Review may lead to a Revised Affordable Housing Scheme. These contingency arrangements are consistent with Local Plan policy BSC3 which provides that if the promoter of a development considers that individual proposals would be unviable an "open book" financial analysis will be expected so that an economic viability assessment can be undertaken. The policy goes on to envisage that this may lead to negotiations including consideration of the mix and type of housing, the split between social rented and intermediate housing, the availability of social

housing grant/funding and the percentage of affordable housing to be required. Without an option for review, the risk is that development may not proceed at all.

110. National Planning Practice Guidance⁷ (Guidance) stresses that where affordable housing contributions are being sought, obligations should not prevent development from going forward. In the absence of a specific detailed scheme which can be tested for viability, this consideration, together with the provisions of Local Plan policy BSC3 persuades me that Schedule 13 of the Unilateral Undertaking is a necessary qualification of Schedule 12.
111. The Council considers that s106A of the Town and Country Planning Act provides a more appropriate vehicle for reviewing the affordable housing scheme set out in Schedule 12 but subsection (4) of s106A precludes an application for modification being made within five years of the date when the obligation is entered into, whereas it is likely that reserved matters for the housing development which may give rise to the need for a review are likely to be prepared sooner than that.
112. National Guidance advises that a negatively worded condition limiting the development that can take place until a planning obligation for the provision of affordable housing is unlikely to be appropriate in the majority of cases. It advises that ensuring that any planning obligation or other agreement is entered into prior to granting planning permission is the best way to deliver sufficient certainty for all parties about what is being agreed.
113. That advice supports the Council's view that the assessment of viability should take place prior to the determination of an application. But in this case there is only an outline application. A full planning application, including all reserved matters, has yet to be submitted, let alone determined. It is at that stage that viability should be assessed and the specific details of an affordable housing scheme concluded. As the experience of the present case shows, to attempt to do so at the outline stage is somewhat futile. But, there is no requirement to propose or agree a scheme at that reserved matters stage; Schedule 13 only applies three months before commencement, which may well be after reserved matters are approved, not before.
114. Nevertheless, the obligation is before me to consider. For the reasons already stated, affordable housing is a requirement and I find both Schedules 12 and 13 compliant with policy. I therefore have no reason to find them inconsistent with the CIL regulations. But, also for the reasons explained and for the reasons put forward by the Council, they may be ineffective in securing an appropriate amount or quality of affordable housing.
115. National Guidance advises that, in exceptional circumstances, a negatively worded condition requiring a planning obligation or other agreement to be entered into before certain development can commence may be appropriate in the case of more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk.⁸ The present case is both complex and strategically important to the delivery of the North-west Bicester eco-town. So, notwithstanding the

⁷ Paragraph: 002 Reference ID: 23b-002-20140306

⁸ Paragraph: 010 Reference ID: 21a-010-20140306

terms of Schedules 12 and 13, which I have taken into account as described above, I impose a condition.

Strategic Highway

116. The Strategic Link Road or Strategic Highway is the realignment of Howes Lane. It is shown on the Parameter Plans as part of the development proposal but it is the intention that only part of it will be constructed in connection with the present development. The remainder will be constructed by another party.
117. As previously noted, until the Strategic Link Road is fully constructed, the extent of development of the current appeal proposal must be limited so that the capacity of the highway infrastructure at the junction of Howes Lane and Bucknell Road is not exceeded. Its construction is therefore necessary for the full development of the current appeal proposal to proceed.
118. Furthermore, as previously noted, the construction of the Strategic Link Road is necessary to improve the living conditions of those residential properties bordering the east side of Howes Lane. This is one of the potential planning benefits of the proposed development which it is necessary to secure.
119. It is therefore necessary to secure arrangements for the contribution to the complete construction of the Strategic Link Road to be made by the appeal development. For these reasons I am convinced that the obligations contained in Schedule 27 of the Unilateral Undertaking are necessary to make the development acceptable in planning terms.
120. Both the Council's Infrastructure Delivery Plan and the Anticipated Construction Programme submitted by Barton Wilmore on behalf of A2Dominion confirm that the expected completion date for the Strategic Link road including the tunnel under the railway would be in the financial year 2021/22. In any event, Schedule 27 does not appear to include a clawback clause requiring repayment if the contribution is not spent within a defined period, although the draft licence would endure for only 15 years. I am therefore satisfied that the contribution payable will effectively contribute to the delivery of the project.
121. The provisions of Schedule 27 are directly related to the development in that a licence to access the land to construct the Strategic Highway may be requested by the County Council at any time after a date six weeks after the grant of planning permission and an executed licence must be delivered within fourteen days of the County Council's request. I make no comment on the contents of the draft licence because, as a draft, it is still open to negotiation between the parties and the Unilateral Undertaking contains a facility for resolving disputes between the parties. For reasons explained below, I have included a condition which limits development of the appeal site in terms consistent with those used in the draft licence, so the Council's concerns about the inability of the trigger point to be reached need not apply even if the finally delivered licence does not differ from the draft included in the Unilateral Undertaking.
122. No implementation of the appeal development may proceed until an agreement has been entered into for the owner and developer of the appeal site to contribute 1.73% of the costs of completing the Strategic Link Road. That percentage is calculated by reference to the appeal site's proportion of the

total housing quantities expected to be delivered in the North-West Bicester eco-town and so is fairly and reasonably related in scale and kind to the development. It is implausible to expect the developer to enter into this aspect of the obligation on the coming into effect of the planning permission prior to implementation of the appeal development, since that would require the developer to commit to a substantial contribution to the road construction costs before the developer could be confident of the development itself providing the funding involved.

123. The appellant has noted that the definition of Strategic Road Land includes an incorrect drawing reference number but that the correct drawing has been attached to the Undertaking. It is correctly identified as Plan 2 in accordance with the reference to Plan 2 in the definition of Strategic Road Land, so the referencing error is self-evident. I therefore accept the appellant's assurance that it does not render the Unilateral Undertaking incapable of correct interpretation.
124. The Council is concerned that Plan 2 does not include a drainage channel which will need to be used for off-site drainage of the new road. But the plan does not show any of the arrangements which would be necessary to deal with drainage from the road which is inevitably going to involve discharge to drains not included within the land dedicated to the road itself, so I do not regard this as a fatal circumstance. In any event, I note the appellant's contention that the extent of land shown in Plan 2 is greater than that shown in the fall-back permissions.
125. I therefore conclude that the obligations contained in Schedule 27 of the Unilateral Undertaking comply with the CIL regulations. I have therefore taken full account of them in reaching my decision on the appeal proposal.

Zero Carbon

126. Local Plan policy Bicester 1 requires the application of design standards including zero carbon development. What is meant by zero carbon development is explained by section ET 7 and ET 9 of the eco-towns supplement to the otherwise now cancelled Planning Policy Statement 1. It concerns carbon dioxide emissions from energy use from locally produced energy and energy provided by or fed into central networks. Dwellings are expected to demonstrate high levels of energy efficiency in the fabric of the building and to achieve carbon reductions from space heating, ventilation, hot water and fixed lighting of at least 70% relative to current Building Regulations.
127. An Energy Assessment for the development has already been prepared by Silcock Dawson and Partners (submitted to the Inquiry as Core Document CD1a1). This amounts to a strategy for achieving the development's contribution towards a zero carbon development. As noted in the Council's committee report, the Council's consultants, Bioregional, have advised that the strategy proposed would not necessarily result in a truly zero carbon development.
128. However, what is needed is not so much a further strategy, more the identification of measures which will result in a zero carbon development and to provide for their implementation, which can be done through conditions, considered below (though I note that achievement of BREEAM "Very Good"

standard for non-residential buildings with a capability of achieving “Excellent” standard is anyway required by the obligation included in Schedule 17 of the Unilateral Undertaking).

129. I therefore conclude that the obligations contained in Schedule 14 of the Unilateral Undertaking are unnecessary and so do not comply with the CIL regulations. I therefore take no account of them in making my decision.

Construction standards

130. As noted above, the development is expected to be a zero carbon development. For non-residential buildings, the achievement of BREEAM “Excellent” standard is an important contribution to that aim. That particular requirement of Schedule 17 of the Unilateral Undertaking is therefore necessary (though not sufficient by itself) to make the development acceptable in planning terms. I am satisfied that the requirement complies with the CIL regulations and have therefore taken it into account in making my decision.

Materials sourcing

131. Local Plan policy Bicester 1 requires development to promote the use of locally sourced materials. That particular element of Schedule 17 of the Unilateral Undertaking is therefore necessary to make the development acceptable in planning terms. I consider that it complies with CIL regulations and have therefore taken it into account in making my decision.

Training and employment plans

132. Paragraph 19 of the NPPF records the government’s commitment to ensuring that the planning system does everything it can to support sustainable economic growth. The argument that that includes requiring the provision of construction apprenticeships through new development is a compelling one and so I am convinced that the requirements in Schedule 10 of the Unilateral Undertaking are necessary, directly related to the development and fairly and reasonably related to it in scale and kind. I have therefore taken these into account in reaching my decision.

Routeing agreement

133. Paragraph 8.6.7 of the submitted Environmental Statement advises that Middleton Stoney Road is a rural link providing access to Bucknell to the north with a route to junction 10 of the M40. It is not a route via which to encourage HGV movements. As such a routeing restriction to preclude such movements during construction is appropriate with all movements routeing via the B4030/A4095 roundabout onto the perimeter road (Vendée Drive) to the south.
134. Paragraph 4.3.2 of the Unilateral Obligation commits the developer to enter into a routeing agreement substantially in the form recommended by the Environmental Statement but with the additional provision that it would apply to the subsequent operation of the development, not just its construction. For the reasons given in the Environmental Statement, I consider it is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
135. It passes the CIL tests and I have taken it into account in making my decision but it would only be triggered by the commencement of the

employment development, whereas the recommendations of the Environmental Statement are not so restricted. Accordingly, I have imposed a condition requiring a Construction Method Statement to be submitted. This would provide an opportunity for the Local Planning Authority to secure a routeing agreement for the construction of the residential part of the development when details of the Construction Method Statement are submitted. It would not be necessary or practical to require a routeing agreement for the subsequent operation of the residential development but for the employment development the routeing agreement incorporated into the planning obligation would continue to apply.

Highways agreements

136. The permanent highway works at Middleton Stoney Road are integral to the larger part of the employment development. The temporary highway works at Howes Lane are integral to the residential part of the development. It would be unacceptable for the development to take place without the two accesses being first constructed. Because their construction involves works to the existing highway, it will be necessary for the developer to enter into a s278 agreement with the County Council for these works to be delivered.
137. However, it is government policy, set out in paragraph 203 of the National Planning Policy Framework that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. A planning condition can require that no other development on site should take place until the two accesses have been formed. To comply with that condition will inevitably require the developer to enter into the necessary s278 agreements and so it is not necessary for that to be required by a planning obligation.
138. I therefore take no account of the planning obligation set out in Schedule 26 because it is unnecessary and so does not comply with the CIL regulations.

Design

139. In their closing submissions, both main parties deal with this issue summarily. I will do the same.
140. Local Plan policy Bicester 1 requires high quality exemplary development and design standards and a well designed approach to the urban edge. Local Plan policy ESD 15, which applies throughout the Cherwell District, requires all new development to meet high design standards. So, policy Bicester 1 does not place a different requirement on the appeal site. Good design is a universal requirement as paragraphs 56 and 57 of the NPPF make clear.
141. It therefore follows that it should not be necessary for the appeal proposal to be subject to special arrangements for considering its design qualities. It is reasonable to expect that the Council will be able to apply its policies through the normal operation of its development control system. I therefore conclude that the absence from the Unilateral Undertaking of any arrangements for a Design Panel or similar do not make the appeal proposal unacceptable or in any way contrary to planning policy.

Conditions

142. The two main parties sought to agree on a draft list of conditions to be submitted during the Inquiry but, in the event were only able to submit a travelling draft pursued by several commentaries subsequent to the Inquiry sessions (Inquiry documents 14e, 21 and 23). Some suggested conditions have already been discussed in this decision letter. I have considered all suggested conditions in the light of advice contained in national Guidance and by reference to the model planning conditions contained in Appendix A of the otherwise cancelled Circular 11/95 *the Use of Conditions in Planning Permissions*, preferring the wording of the latter where appropriate.
143. Firstly, I make a general observation. The grant of outline permission does not give carte blanche for a developer to do as it pleases in submitting reserved matters. A permission given in outline does not waive away the requirements of development plan policies. The details to be submitted in pursuit of reserved matters still fall to be considered against development plan policy and if they contravene that policy they may be denied approval. It is therefore not necessary for me to impose conditions on this outline consent which simply reiterate the requirements of policy; the policies continue to apply in any event.

Parameter plans

144. The first five conditions are standard conditions which I have adjusted to reflect the circumstances of the case, including the possibility of phasing development. Conditions 6 to 10 apply the provisions of the Parameter Plans as required by the courts, together with the drawings for the two approved accesses. The recommendations of other documents submitted with the application are picked up in other conditions. Conditions 12 and 13 limit the development to the quantities of development which have been evaluated in the Environmental Statement.

Size of employment units

145. I have not included a condition limiting the size of units to be provided on plot 3 because although the North West Bicester Masterplan Economic Strategy identifies a demand for units smaller than 500 sq m and the appellant's evidence suggests that they intend to provide start-up business space in any event, there is no information to show that there is a need for units below the suggested size threshold to the exclusion of others. Contrary to the reason given in the draft Conditions Schedule circulated at the Inquiry, Local Plan policy Bicester 1 does not appear to require a range of commercial uses. In any event layout is a reserved matter so the Council will have the opportunity to consider the acceptability of the layout when details of that matter are submitted at a later date.

Design Codes

146. For reasons similar to my reasons for finding the Unilateral Undertaking acceptable without a requirement for a special arrangements for considering its design qualities, I do not consider that conditions are necessary requiring either the submission of a Design Code or an Urban Design Framework prior to the submission of details of reserved matters of appearance, landscaping layout and scale. Local Plan policy ESD 15 asserts that for major

sites/strategic sites and complex developments, Design Codes will need to be prepared in conjunction with the Council and local stakeholders to ensure appropriate character and high quality design is delivered throughout. But no design code for the whole of the North-west Bicester eco-town, to which the development might be expected to comply through the requirements of a condition, has been produced. The Council will be able to judge for itself whether the substantive requirements of policy ESD 15 would be met when details of reserved matters are submitted.

Building for Life

147. Likewise, I do not impose a condition (agreed by both main parties) requiring the submission of a document showing how the residential development would achieve "Built for Life" status. Although the government attaches great importance to the design of the built environment, simply producing a document would not, of itself, achieve that aim. Appearance, landscaping, layout and scale are reserved matters. When those details are submitted, the Council will be in a position to consider whether they comply with Local Plan policies Bicester 1 and ESD15 which require development to be compatible with up to date urban design principles, including Building for Life.

Dwelling mix

148. For much the same reason, I do not impose a condition (agreed by both main parties) requiring the submission of a schedule of dwelling mix to accord with the requirements of Local Plan policy BSC4. Either the details of the reserved matters, when they are submitted, will demonstrate compliance with Local Plan policy BSC4, or they will not. Either way, it is open to the Council to decide whether the submitted details are acceptable or not, irrespective of the submission or otherwise of a schedule. A condition requiring the submission of a schedule is unnecessary.

Information technology

149. Suggested conditions requiring both employment and residential buildings to be fitted with devices showing real time energy and travel information in accordance with details to be submitted for approval and to facilitate high speed broad band provision are necessary because reserved matters would not provide such details yet Local Plan policy Bicester 1 requires housing to have real time energy monitoring systems, real time public transport information and superfast broadband access. The same provision in the employment development would contribute towards achieving the objectives of the eco-town.

Climate change

150. The NPPF advises that planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change amongst other matters. To mitigate and adapt to climate change local planning authorities should adopt proactive strategies.
151. For this development it is suggested that a condition require the submission of a statement identifying and explaining the development's adaptation to the impact of a set of defined climate change parameters. Whilst this information would no doubt be helpful to the Council in evaluating the details of reserved

matters when they are submitted, it fails the tests of precision and enforceability in that although it sets performance requirements it does not make clear exactly what the substantive features are which the condition is expected to produce which would need to be incorporated into the development, it does not require their incorporation and it does not require their retention in operation.

152. Paragraph ET 8.2 of the eco-towns supplement to the now otherwise cancelled Planning Policy Statement 1 advises on what is involved in dealing with climate change. Eco towns should deliver a high quality local environment and meet the standards on water, flooding, green infrastructure and biodiversity taking into account a changing climate for these as well as incorporating wider best practice on tackling overheating and impacts of a changing climate for the natural and built environment.
153. Design to achieve a high quality local environment is considered elsewhere in this decision. In other parts of this decision I have considered substantive requirements for the submission of details concerning water, green infrastructure, surface water drainage and biodiversity. There is no information to show that these details cannot be adequately examined for their resilience to the climate change parameters identified by the Council in its Note dated 30 October in respect of planning conditions. The Council has powers to require the submission of further information if the details submitted are inadequate. No further condition is required.
154. Best practice in tackling overheating through planning concerns layout, glazing and the cooling effects of trees and water bodies. Other matters, such as insulation are dealt with through the Building Regulations. Appearance, layout and landscaping are reserved matters for which details are required in any event by other conditions. There is no information to show that the details to be submitted cannot be evaluated by the Council to establish whether they would comply with the requirement of Local Plan policy Bicester 1 which requires the incorporation of best practice on tackling overheating, taking account of the latest UKCIP climate predictions. The Council has powers to require further information if the details submitted are inadequate. No further condition is required.

Noise

155. Paragraph 10.7.34 of the Environmental Statement June 2017 predicts that while large areas of the residential development site will experience BS8233 compliant internal noise levels with windows open for ventilation, plots close to the Strategic Link Road would require acoustic alternative means of ventilation such as a Mechanical Ventilation with Heat Recovery (MVHR) system to minimise the likelihood of overheating. Details of such provision would not normally be provided as part of reserved matters applications and so a condition, as agreed by the two main parties, is necessary to ensure that provision is made.
156. Whilst there are no details currently before me it may be supposed that the employment development proposed in this development would house plant and machinery and would emit noise. Table 17 of the submitted Environmental Statement suggests target noise criteria for inclusion in a condition limiting the noise which can be emitted from the employment development.

157. Because I have included the recommendations of the Environmental Statement in relation to construction noise within condition 24 (x) the separate condition about construction noise levels agreed between the two main parties is unnecessary and so I do not impose it.

Embedded carbon

158. Local Plan policy Bicester 1 requires the use of low embodied carbon in construction materials. Information to judge whether this policy is being complied with would not normally be provided as part of the submission of reserved matters and so a condition is necessary to ensure that details are provided.

Access

159. The submitted Unilateral Undertaking makes no provision for the closure and removal of the temporary access on to Howes Lane following the completion of the Strategic Link Road. The diversion of Howes Lane, allowing for its closure, is one of the planning benefits of the appeal proposal, so it is necessary to ensure that this is not stymied by the retention of the temporary access longer than is needed. Conditions are therefore imposed to ensure that this takes place and that existing accesses from the site onto Howes Lane are stopped up.
160. Accesses to the residential development from the Strategic Link Road are not approved as part of this outline permission. They remain as reserved matters details of which are reserved for later consideration. It is therefore not necessary for a condition to require their submission or for their construction prior to the occupation of the residential development. Such a condition may become necessary and appropriate when reserved matters details are submitted.

161. Details of layout and further details of access to and within the residential development are not submitted as part of this application. They remain as reserved matters and so it is not necessary for a condition to require the submission of details of footpath linkages to Howes Lane, Shakespeare Drive retail and community facilities and King's Meadow Primary School. It will be for the Council to consider their adequacy when details of reserved matters are considered. But these details would not normally include the provision of details of signage. Signage would be necessary to encourage and maximise the habit of walking in accordance with the requirement of Local Plan policy Bicester 1 to maximise the potential for walkable neighbourhoods. A condition is therefore imposed to require the submission of details of signage and their implementation.

Travel plan

162. Implementation of a travel plan to reduce reliance on the private car is a requirement of Local Plan policy Bicester 1. This would not be routinely submitted as part of reserved matters and so a condition is necessary to secure its submission and implementation. Provision is made within Schedule 24 of the Unilateral Undertaking for a financial contribution to the County Council for its monitoring. I have already noted that this would comply with the CIL regulations.

Bus stops

163. Much of the length of the roads along which the bus service to serve north-west Bicester would pass would be provided by other developers. The Unilateral Undertaking makes provision for a financial contribution to the provision of bus stops. Other than on Middleton Road, the details presently submitted do not show the location of bus stop infrastructure to be provided. Not every phase of the scheme will include a bus stop. As the Council remarks, these need to be planned holistically. The allocation of bus stops to phases of development is therefore required as part of the phasing plan. In so far as bus services would require locations for bus stops on roads provided as part of this development, reserved matters would not automatically show these details and so it is necessary that their submission and implementation be required by condition.

Contaminated land

164. Table 3.1 of the submitted Environmental Statement points out that trial trenching was carried out for the archaeological assessment of the site and that historical maps identify that the site has been in agricultural use since 1881 and has had no other uses. It concludes that it is not considered that there is any potential for significant contamination of the site and scoped ground conditions and contamination out of further assessment. I have no reason to disagree.
165. National Guidance advises that if there is a reason to believe contamination could be an issue, developers should provide proportionate but sufficient site investigation information. That is not the case here, because there is no reason to believe that contamination could be an issue. I do not therefore impose any conditions requiring further investigation or remediation other than that requiring remediation if contamination is unexpectedly found during construction.

Biodiversity

166. Local Plan policies Bicester 1 and ESD10 require the development to achieve a net biodiversity gain. Appendix 6.2 of the Environmental Statement June 2017 and the Biodiversity Offsetting Metric Assessment of July 2015 demonstrate that the achievement of a net biodiversity gain is possible across the site as a whole but, as the Council recognises in its Note dated 13 October 2017 in respect of planning conditions, this is dependent upon detailed matters that can only be fully assessed at the reserved matters stage. The suggested draft condition calls for the production of a scheme demonstrating net biodiversity gain. But that is just what Appendix 6.2 of the Environmental Statement and paragraph 3.4 of the Biodiversity Offsetting Metric Assessment already do; what is now required is to put that strategy into effect.
167. Paragraph 5.4 of Appendix 6.2 of the Environmental Statement June 2017 summarises four planning controls needed to secure a mitigation and enhancement strategy:
- Secure the retention and enhancement of retained hedgerows and trees. The trees and hedgerows to be retained and enhanced are shown on parameters plans 04A and 05A. These are secured by conditions 9 and 10. No further condition is necessary.

- Secure the production and implementation of a Construction Environmental Management Plan. This is secured by condition 24, particularly subsection (x). No further condition is necessary.
- Provide financial contributions to off-site mitigation for farmland birds. This is provided by Schedule 9 of the Unilateral Undertaking. No further condition is necessary.
- Secure the production of a habitat management plan. The habitats required are listed in paragraphs 4.3 and 4.4 of Appendix 6.2 of the Environmental Statement June 2017 and in paragraph 3.4 of the Biodiversity Offsetting Metric Assessment of July 2015. To some extent their retention and/or provision (as appropriate) is already secured by the degree to which they are included in parameters plans 04a and 05A which are secured by conditions 9 and 10. But in any event, landscaping is a reserved matter. When details of this reserved matter are submitted, the Council will be able to judge for itself whether they meet the expectations of the Strategy (including the recommendation in paragraphs 3.25 and 3.28 of Appendix 6.2 to the Environmental Statement June 2017 and paragraph 3.4 of the Biodiversity Offsetting Metric Assessment that ten bat boxes and ten bird nesting boxes be provided⁹ together with a number of log piles for the benefit of amphibians, reptiles and invertebrates and the recommendations in paragraphs 3.20, 3.23 and 3.30 that detailed proposals be founded on up to date surveys of badgers, bats and reptiles) and so to decide whether to approve the details or not. It is not incumbent upon the Council to approve details which do not comply with Local Plan policies Bicester 1 and ESD 10. No further condition is necessary to secure the submission of these details.

If, when considering the submission of reserved matters relating to landscaping, the Council considers that a plan for their future management is necessary, it can impose a condition requiring one at that stage. Because I do not have details of the landscaping proposed before me, I cannot come to the view that the condition (agreed by both parties) requiring a management plan is necessary now and so I do not impose it.

168. Although not specifically recommended in the submitted Biodiversity Strategy, condition 11 is necessary to prevent the removal of trees and hedges when birds are nesting.

Trees and hedgerows

169. Because the protection of trees and hedgerows is shown on a parameters plan which is to be secured by condition, there is no necessity for the separate suggested conditions agreed between the two main parties. I have therefore not imposed them.

⁹ The submission of reserved matters relating to appearance will allow for consideration of whether the recommendation for the provision of bird and bat boxes is followed through on houses so as to meet the requirements of Local Plan policies Bicester 1 and ESD10

Air quality

170. Tables 9.13 and 9.14 of the submitted Environmental Statement predict that the development will have negligible effects on air quality. I have no information to cause me to come to a different conclusion. For that reason I do not impose the conditions related to air quality sought by the Council.

External activity

171. The layout of the development, including the employment element, is a reserved matter. When details of this reserved matter are submitted for approval, the council will be able to assess whether there would be any areas where goods, materials, plant or machinery would be likely to be stored, repaired, operated or displayed in the open and whether such areas would need to be screened in any way in order to safeguard the visual amenities of the area in accordance with Local Plan policy C28. If such screening is necessary it would be open to the Council to require such by a condition at that stage or to decline to approve the details for the reason of conflict with policy.
172. For the present, because I have no details of the layout of the employment development before me, I am not in a position to conclude that such a condition is necessary. Therefore I do not impose the suggested condition (agreed between the two main parties) prohibiting open air activity without the prior express consent of the Council.

External lighting

173. Details of reserved matters do not include external lighting. Because the design of external lighting can have adverse effects on ecology and biodiversity both surrounding and within the site, as is recognised in the submitted Environmental Statement it is necessary for the Council to be able to ensure that its design does not cause harm. For that reason a condition requiring the submission and approval of details is required.

Water supply

174. A condition is suggested which would require a study of the existing water supply infrastructure to be carried out, to identify any additional infrastructure necessary to serve the development and to prevent the occupation of the development until any additional supply required has been provided. The wording of the condition is disputed but neither party disputes its necessity.
175. It was said at the Inquiry that it was a condition requested by Thames Water. However, I have no further information to substantiate this report. Thames Water's only submitted comment on this application, dated 23 October 2014 and repeated on 26 August 2015 is an informative about the minimum pressure and flow rate which Thames Water aims to provide.
176. It is a principle of a planning condition that it should not derogate from the grant of permission. Yet this suggested condition implies a suspicion that there may not be an adequate water supply to serve the development. There can be no presumption that, if an inadequate water supply is identified, the inadequacy can be rectified. Yet, if it is not, the occupation of the development would be prevented, thus having the effect of negating the benefit of the permission. For that reason it is not a condition which I could legitimately impose.

177. The adequacy of a water supply is fundamental to a development. Without it, it might be necessary to dismiss this appeal and refuse permission. Notwithstanding the hearsay information reported at the Inquiry, written comment from Thames Water does not support the contention that there is, or may be, an inadequate water supply. Accordingly, I am not convinced either that the appeal needs to be dismissed or of the necessity of the condition suggested and so do not impose it.
178. Local Plan policy Bicester 1 requires water efficiency and demand management. Details of reserved matters are unlikely to provide the information to allow an assessment of the proposals' compliance with this policy, so conditions are necessary (agreed by the two main parties) to require details to be submitted.
179. A further condition is suggested seeking submission of details of a strategy to work towards water neutrality. Yet water neutrality, as described in paragraph ET17.5 and Annex B of the eco-towns supplement to the otherwise cancelled Planning Policy Statement 1 is concerned with achieving development without increasing overall water use across a wider area and so its achievement would not be within the scope of a single development.
180. According to paragraph ET 17.5 of the eco-towns supplement there are three strands to achieving water neutrality within a water cycle strategy:
- Limiting the impact of new development on water use (the two conditions described above would achieve this in the case of this appeal development) and making plans for additional measures within the existing building stock of the wider area. This latter element is clearly outside the scope of the current appeal proposal so no additional condition is necessary.
 - Equipping new homes to meet the water consumption of level 5 of the Code for Sustainable Homes. The Code for Sustainable Homes has now been withdrawn but the suggested condition to limit the water consumption of the residential element of the development sets an equivalent requirement, so no additional condition is necessary.
 - Equipping non-domestic buildings to meet similar high standards of water efficiency. The suggested condition to limit the water consumption of the employment element of the development meets this requirement so no further condition is necessary.

Drainage

181. Reserved matters do not require the submission of details of surface water or foul drainage. Yet it is necessary for the local planning authority to consider whether the development makes acceptable provision for these matters so I impose a condition to require the submission of details and their subsequent implementation. Until details are known, it is not possible to identify the necessity of requiring a scheme of maintenance, so I do not impose the suggested condition requiring such.

Archaeology

182. An archaeological evaluation of the site was carried out in March 2013 by Northampton Archaeology. It identified two distinct areas of archaeological

activity. Trial trenching was carried out. The report makes no recommendation either for or against further work but the County archaeologist seeks a programme of archaeological investigation because of the two areas of interest identified. I have adjusted the draft conditions suggested and agreed by both parties to relate specifically to the identified areas of interest.

Zero Carbon

183. As noted earlier, an Energy Assessment of the development has already been prepared and assessed by the Council's consultants, Bioregional. Their response has raised concerns with an apparent lack of commitment to a truly zero carbon development. But, as the Council's committee report correctly notes, it is the achievement of zero carbon on the North-West Bicester site overall which is the key.
184. As paragraph ET7.1 of the eco-towns supplement to the otherwise superseded Planning Policy Statement 1 points out, "the definition of zero carbon in eco-towns is that over a year the net carbon dioxide emission from all energy use within the buildings on the eco-town development as a whole are zero or below." I take particular note of the use of the words "as a whole" to infer that it is not necessary for every individual development within the eco-town to be zero carbon so long as deficiencies on one site are made up by better performance on another site. That interpretation is confirmed by footnote 6 of the eco-towns supplement; "This definition of zero carbon applies solely in the context of eco-towns and applies to the whole development rather than to individual buildings."
185. I note the advice of Silcock Dawson and Partners that it is not commercially viable to install the required levels of photovoltaic panels to achieve zero carbon dioxide emissions from the employment development. That may, or may not, turn out to be the case when details of reserved matters are to be submitted. I also note the Council's acknowledgement (in paragraph 5.68 of its January 2016 officer report) that "this site has some constraints in relation to the scale of the residential aspect of the scheme as well as the uncertainty over who may ultimately occupy the commercial buildings."
186. I concur with the Council's intention that "s106 obligations/conditions are used to carefully control this development such that additional energy information is required to be submitted and considered." The NPPF advises that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
187. Even though the Energy Assessment submitted by the appellant may not necessarily have led to a truly zero carbon development, it points to the details about which information needs to be submitted. Those details include:
- Insulation better than Building Regulation values
 - Target air permeability of less than 3 cu.m/hr/sq.m
 - Dwellings to have a balanced ventilation system with heat recovery
 - Dwellings to be provided with 100% low energy luminaires

- Provision for dwellings to be connected to the intended district heating network with interim provision of site-wide combined heat and power unit
- Dwellings to be fitted with photovoltaic panels
- Employment buildings to be fitted with high efficiency fluorescent luminaires with daylight compensation controls
- Employment buildings to be heated by ground source heat pumps or biomass boilers to meet the requirements of BREEAM Ene1 for an "Excellent" rating.

Those details would not normally be supplied in the submission of reserved matters and so, with the exception of the last point which is secured by the provisions of Schedule 17 of the Unilateral Undertaking, need to be secured by conditions.

188. Because the measures recommended by the appellant's consultant do not add up to a truly zero-carbon development (for example, the consultant's report specifically excludes consideration of appliances because they belong to residents, yet white goods are commonly supplied by housing developers as part of a scheme), I do not simply translate the recommended measures into a condition. More needs to be done to achieve an acceptable scheme. The appellant has suggested the words of a condition which the Council confirms was used for what is known as the Exemplar site (also part of the north-west Bicester eco-town) (planning permission 10/01780/HYBRID). As that condition has led to the submission of an acceptable scheme which is now being built out, I am confident that a similar condition, adjusted to reflect the phasing intended for the present proposal, would do the same in the present case.

Conclusion

189. The eco-towns supplement to Planning Policy Statement 1 asserts that eco-towns are exemplars of good practice. It notes that their standards are more challenging and stretching than would normally be required for new development. But it does not require their achievement to be complex, difficult or costly.

190. In essence, that issue underlies the arguments in this case. Neither main party argue against the principle of developing this site for the purposes intended. Their disputes focus on the terms of the planning obligations and conditions to be attached to any permission. By close examination of the Unilateral Undertaking and the suggested conditions I have found that an acceptable development may be permitted with a lesser extent of obligations and conditions than the fall-back position but without compromise to the objectives of the eco-town concept or to the substantive outcome of the development.

191. With those provisions of the Unilateral Undertaking which I have endorsed as compliant with the CIL Regulations in place, together with the application of the thirty-three conditions appended to this decision, I conclude that the proposal would have an acceptable effect on the generation of employment, the landscape character of the area, the supply of affordable housing, the supply of and demand for community, social and transport infrastructure, highway safety for pedestrians, the provision of green infrastructure, biodiversity and the

demand for and supply of transport. It would comply with Local Plan policies Bicester 1, SLE1, ESD13 and ESD15 which have been described previously in this decision. For these reasons the appeal is allowed.

P. W. Clark

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

James Neill, of Counsel	Instructed by Cherwell District Council
He called no witnesses	
but the following	
participated in	
discussions on	
conditions and	
obligations	
Caroline Ford BA(Hons)	Principal Planning Officer, Cherwell District
MA MRTPI	Council
Jenny Barker	Interim Assistant Director, Cherwell District
	Council
Julia Taplin	Oxfordshire County Council
Karen Mutton	Eversheds
Howard Cox	Oxfordshire County Council
Joy White	Oxfordshire County Council

FOR THE APPELLANT:

Paul Tucker QC	Instructed by Tim Waring, Quod
He called no witnesses	
but the following	
participated in	
discussions on	
conditions and	
obligations	
Tim Waring BA(Hons)	Director, Quod
DipTP MRTPI	
Simon Parfitt MIHE	DTA Transportation Ltd
Emma Lancaster	Quod
Michael Pocock	Pinsent Masons

INTERESTED PERSONS:

Stephen Rand	Derwent Green Residents' Group
G Johnson	PPP

Additional **DOCUMENTS** submitted at Inquiry

- 1 CDC and OCC Position Statement on Unilateral Undertaking (with Annex 1 and 2, position statement on matters set out in letter from Quod to CDC dated 6.9.2017, note on pooled contributions, Additional Position statement concerning contributions to County Council and notes on 14 class primary school pricing
- 2 Appellant's response to Councils' Position statements
- 3 Appeal decision APP/C3105/A/14/2213263
- 4 Letter dated 6 September 2017 from Tim Waring to Caroline Ford
- 5 Letter dated 12 September 2017 from Derwent Green Residents Group
- 6 Appeal decision APP/C3105/A/12/2178521
- 7 Bundle of highway drawings
 - a. Drawing 14042-30 revision B
 - b. Drawing 14042-32 revision E
 - c. Drawing 14042-34 revision C
 - d. Drawing 14042-25-2 revision a
 - e. Drawing 14042-45 revision f
- 8 Bundle of revised Parameter Plans
 - a. Drawing number 4216_SK_202_A
 - b. Drawing number 4216_SK_203_A revision C
 - c. Drawing number 4216_SK_204_A revision A
 - d. Drawing number 4216_SK_205_A_ revision E
 - e. Drawing number 4216_SK_206_A_ revision A
- 9 Agreed matters Ecology
- 10 Statement of Common Ground Highway and Transportation Issues
- 11 Statement of Common Ground
- 12 Note on further amendments to Parameter Plans

Additional **DOCUMENTS** submitted by arrangement following Inquiry adjournment

- 13 Letter from Barton Willmore dated 13 September 2017 with Anticipated Construction Programme for Rail Bridge and Strategic Link road
- 14 Bundle of documents comprising Council's comments on draft Unilateral Undertaking
 - a. Joint response by Cherwell DC and Oxfordshire CC
 - b. Draft undertaking with tracked changes dated 13.10.17
 - c. Note in respect of Community Development Workers, Community Development Fund and Community Led management Organisation
 - d. Infrastructure Delivery Plan dated 13 .10.17
 - e. Note on planning conditions
- 15 Rule 6 party's comments on draft Unilateral Undertaking
- 16
 - a. Unilateral Undertaking signed and dated 23 October 2017
 - b. Note on Unilateral Undertaking
- 17 Appellant's comments on representations to Amended Parameter plans
- 18 Core Documents 24b and 25
- 19 Council comments on draft licence appended to Unilateral Undertaking
- 20 Corrections to Schedule 27 of Unilateral Undertaking

- 21 Appellant's response to Document 14(e)
- 22 Council's Closing Submissions
- 23 Council's response to Document 21
- 24 Appellant's Closing Submissions

CONDITIONS

- 1) Details of the access (in so far as not approved in this decision), appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of any phase of development shall be submitted to and approved in writing by the local planning authority before any development of that phase takes place and the development shall be carried out as approved.
- 2) No development shall take place until a phasing plan for the whole development has been submitted to and approved in writing by the local planning authority indicating the landscaping, open space, play facilities, affordable housing, cycle ways, footpaths and public transport facilities to be provided in each phase. Development shall be carried out in accordance with the phasing plan.
- 3) Application for approval of the reserved matters for the first phase of residential development and the first phase of employment development shall be made to the local planning authority not later than 3 years from the date of this permission.
- 4) Application for approval of the reserved matters for the remaining phases of development shall be made to the local planning authority not later than 5 years from the date of this permission.
- 5) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 6) The access to the development hereby permitted shall be carried out in accordance with Parameter Plan 06A, drawing number 4216_SK_206_A_ revision A and the following approved plans: 14042-30 revision B and 14042-32 revision E. No residential development nor any employment development on plot 3 shall be occupied until the access shown on drawing 14042-32 revision E has been completed to a standard capable of being adopted by the local highway authority. No employment development on plot 4 shall be occupied until the access shown on drawing 14042-30 revision B has been completed to a standard capable of being adopted by the local highway authority.
- 7) No development shall take place other than in accordance with the Land Uses shown on Parameter Plan 02A, drawing number 4216_SK_202_A.
- 8) The height of the development hereby permitted shall not exceed the limits shown on Parameter Plan 03A, drawing number 4216_SK_203A revision C
- 9) No development on any phase shall be occupied until the planting proposals shown on Parameter Plan 04A, drawing number 4216_SK_204_A revision A and encompassed within that phase have been carried out.
- 10) No site clearance, preparatory work or development shall take place on any phase until a scheme for the protection of the trees and hedgerows in that phase shown to be retained on Parameter Plan 05A (drawing number 4216_SK_205_A_ revision E (the tree protection plan) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees and

hedgerows shall be carried out as approved. No tree or hedgerow shown to be retained shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner, other than in accordance with Parameter Plan 05A, without the prior written approval of the local planning authority. If any tree or hedgerow shown to be retained is cut down, uprooted or destroyed or dies another tree or hedgerow shall be planted at the same place within the following planting season and that tree shall be of such size and species as may be specified in writing by the local planning authority.

- 11) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive.
- 12) No more than 150 dwellings shall be constructed on the site.
- 13) No more than 53,000 sq m of employment floor space shall be constructed on the site, of which no more than 80% shall be utilised for purposes falling within Class B1c or B2 (including ancillary uses) and no more than 70% within Class B8 (including ancillary uses) of the Town and Country Planning (Use Classes)(England) Order 1987 (or their equivalent in subsequent enactments or re-enactments) and none for any other purposes whatsoever.
- 14) No more than 17,437 sq m of B8 floorspace and 7,473 sq m of B1c/B2 floorpace may be occupied until the development work to realign Howes Lane and Lords Lane approved under application 14/01968/F (or any other such planning permission which may be granted for the Strategic Link Road) has been completed and the road is open to vehicular traffic and the temporary link road to Howes Lane closed, removed and its site reinstated in accordance with details which shall have been previously submitted to and approved in writing by the local planning authority.
- 15) No dwelling or employment building shall be occupied until it has been provided with devices showing real time energy and travel information in accordance with details which shall have been submitted to and approved in writing by the local planning authority prior to the commencement of their construction. The devices shall thereafter be retained in operational condition.
- 16) No dwelling or employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high speed broadband from the building to the nearest broadband service connection outside the site.
- 17) Prior to the commencement of each residential phase, those areas of the phase that are likely to be subject to elevated levels of noise, e.g. from the Strategic Link Road, shall be identified and the dwellings that are constructed in those areas shall be designed and constructed in such a manner that they contain elements of sound insulation that will ensure that the internal noise levels contained within table 4 of BS 8233:2014 are achieved in accordance with details to be first submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved.
- 18) No phase of development shall commence until details of the embedded carbon of its proposed construction materials have been submitted to and

- approved in writing by the local planning authority. The development shall be carried out in compliance with the approved details.
- 19) No phase of development shall commence until details of the route of service connections (both under and over ground) for that phase, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 or its successor, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 20) Prior to the first use of the temporary access hereby permitted, the existing field accesses onto the site from the A4095 Howes Lane shall be permanently stopped up by means of full face kerbing, planting and the reinstatement of the highway verge and shall not thereafter be used by any vehicular traffic whatsoever.
- 21) No residential phase shall commence until details of directional signage between the dwellings proposed and both Shakespeare Drive retail and community facilities and Kings Meadow Primary School have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No dwelling on the phase concerned shall be occupied until the signage has been installed.
- 22) Prior to the first occupation of any phase of the development, details of a Travel Plan setting out how at least 50% of trips originating within that phase will be made by non-car means, with the potential for this to increase over time to 60%, shall have been submitted to and approved by the local planning authority. The development shall be carried out and continued thereafter in accordance with the approved details.
- 23) Prior to the commencement of any phase of development, details of bus stop locations for that phase shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details as approved.
- 24) No development shall take place on any phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) the routeing of HGVs to and from the site;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours;

- x) The mitigation measures recommended in the Construction section of table 6.6 , paragraphs 7.5.2 and 7.5.3, table 9.10 and paragraphs 10.5.3 and 10.6.13 of the submitted Environmental Statement June 2017

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

- 25) If, during development of any phase, land contamination is found to be present at the site then no further development of that phase shall be carried out until details of a remediation strategy for that phase has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved remediation details.
- 26) The level of noise emitted from the employment development shall not exceed 58 dB LAeq, between 0700 and 2300 daily and 50 dB LAeq, at any other time on Mondays to Fridays (except public holidays) and 48 dB LAeq at any other time on Saturdays, Sundays and public holidays, as measured at a position of 1m in front of the façade of the nearest dwelling.
- 27) Details of any external lighting on any phase of development shall be submitted to and approved in writing by the local planning authority before any development on that phase commences. Development shall be carried out in accordance with the approved details. The lighting shall be installed and made operational before any building on the relevant phase is first occupied.
- 28) No phase of development shall commence until details of both surface water and foul drainage to serve that phase have been submitted to and approved in writing by the local planning authority. No building shall be occupied until it has been provided with its drainage in accordance with the approved details. The drainage shall thereafter be retained in an operational state.
- 29) No phase of employment development shall commence until details of the measures to be installed in that phase to minimise water consumption have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.
- 30) The residential development shall be constructed so as to meet as a minimum the higher Building Regulation Standard for water consumption limited to 110 litres per day (lppd).
- 31) No development shall take place on the relevant phase until details of a Scheme of Investigation of the archaeological features identified in figures 6 and 8 of the submitted archaeological evaluation (report 13/43 of Northamptonshire Archaeology dated March 2013) shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved investigation details.
- 32) No development shall take place on any phase of development until details of measures (including off-phase and off-site measures if necessary) to achieve zero carbon energy use (as defined in paragraph

ET7.1 of the eco-towns supplement to Planning Policy Statement 1) for that phase shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and the measures approved shall thereafter be retained in an operational condition.

- 33) No residential development shall take place until a scheme for the provision as affordable housing of 30% of the number of dwellings proposed in the submission of reserved matters shall have been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2: Glossary of National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The affordable housing shall be retained in accordance with the approved scheme.