

Case Officer: Simon Newall

Recommendation: Approval

Applicant: Bicester Gateway Ltd

Proposal: Reserved Matters to 16/02586/OUT - Access, layout, scale, appearance and landscaping details for Phase 1B for up to 12 No knowledge economy units in Use Class E (former Use Class B) (14,972 sq m gross external area) with associated parking, landscaping, utilities and access

Expiry Date: 11 November 2022

Extension of Time:

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is situated to the south of Bicester and forms a contained parcel of land 3.18ha in area positioned to the east of the A41, west of Wendlebury Road, north of an unnamed road leading to Chesterton and south of Shouler Way which links Wendlebury Road to the A41/ Vendee Drive roundabout.
- 1.2. The site is a relatively flat open grassland field and contains the unused slip way to the A41. The land is surrounded by mature hedgerows, except for the northern boundary and has greater levels of vegetation to the south of the site.
- 1.3. The site is included within and adjacent to the allocated site Bicester 10: Bicester Gateway, for a knowledge economy employment development for B1 Business Uses. The allocation has been brought forward in parts.
- 1.4. The land to the west of Wendlebury Road (which includes the application site) comprises two parcels of land with outline permission having been granted (16/02586/OUT); the northern parcel (Phase 1a) for a hotel (with reserved matters permission having been granted for it) and the southern parcel (Phase 1b) for B1 employment development including a small parcel of unallocated land to the south outside the land allocated.
- 1.5. This application therefore seeks approval of all matters reserved in relation to Phase 1b of 16/02586/OUT.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. This application seeks reserved matters consent for the access, layout, scale, appearance and landscaping of the development.
- 2.2. The proposed built development within this phase comprises up to 12no. units within four separate buildings with a cumulative gross floor area of 11,745sqm GIA. Vehicular access for vehicles is from a single point off Wendlebury Road, which bounds the eastern side of the site. In terms of pedestrian and cycle connectivity, three access points are provided from the A41 to the west, two in the south relating to the Public Right of Way (PRoW) and three further accesses in the northern part of the site, oriented to the hotel, to Catalyst Bicester and the retail and commercial areas to the north.

- 2.3. Car parking is provided to the front of the buildings, as are servicing and delivery areas, with additional parking to the rear. Cycle parking is also provided at the side of each building in the form of covered shelters.
- 2.4. As will be demonstrated through this assessment, the proposal complies with the outline planning permission and therefore can be treated as a reserved matters application.

3. RELEVANT PLANNING HISTORY

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

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

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

18/00158/NMA – Non-material amendment to 16/02586/OUT – Amendments to the wording of condition 16 (Water supply impact studies). REFUSED

20/00293/OUT – Reserved matters application to 19/01746/OUT – Layout, scale, appearance and landscaping details for employment development (10,195sqm GIA), with associated landscaping and infrastructure works. APPROVED

- 3.2. For reference, application 20/00293/OUT represents an alternative proposal for Phase 1b. The outline permission remains extant, with the ability to apply for reserved matters permission until 1 April 2024. The application includes an additional parcel of land to the south of the previous site area for Phase 1b, which comprises the unused slipway to the A41 and a small parcel of land between that and the unnamed road to Chesterton.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site, expiring **31 August 2022**, by advertisement in the local newspaper expiring **18 August 2022** and by letters sent to properties adjoining the application site that the Council has been able to identify from its records. The overall final date for comments was **2 October 2022**.
- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

Bicester Town Council – No objection.

Chesterton Parish Council – No objection.

STATUTORY CONSULTEES

Cherwell District Council:

Building Control

States that boundary conditions for fire and fire brigade access are to be in accordance with Approved Document B volume 2.

Environmental Protection

No comments in relation to noise, contaminated land, air quality, odour or light.

Landscape Services

Comments:

- Additional trees are needed to mitigate the heat island effect, provide amenity and wildlife value. Basically each new location for a tree should be a parking bay that has been converted to free draining, moisture retentive topsoil for trees and low level shrubs and knee rail. A stronger green infrastructure of trees and groundcover, with pedestrian ways through are required. Knee rails should be included through the shrub borders to prevent pedestrian access and trampling of plants. Maintenance and repair of knee rail should be included in the LEMP.
- Tree pits: The space for tree growth between the kerbs is limited, because the haunching is usually substantial to prevent future structural damage to surfaces. If these corridors can be widened all the good. Root deflectors will need to be installed anyway. Linear tree pit should be used to ensure successful planting of establishment of trees. Individual trees in single pits are not as successful. Further detail is required.
- Mounds: It is not clear where the tree mounds are proposed and what tree species are being used for this. Sufficient amount of space will be required to accommodate trees on mounds
- Proposed Trees: Liquidambar trees are not that shade tolerant and tall units cast too much shade for them. On consulting DTAG's Guide for Specifiers I recommend Acer Campestre 'Elsrijk' would be an appropriate replacement.

Malus trilobata drops fruit onto paving which is a risk and unsightly. Replace this tree with tree Cercis siliquastrum.

Replace non-native Birch with the native, Betula pendula for the benefit of invertebrates. Note that root deflectors will be necessary. To be planted at least 2 m from the edge of the kerb with deflectors to avoid damage to surfaces.

- LEMP: The LEMP needs additional information to give a bit more weight.
 - The LEMP must be linked to the landscape drawings, with the landscape and habitat areas identified/keyed to relevant clauses in the document.

- The Arboricultural Development Statement and survey drawing should be appended to the LEMP so that the trees/receiving vegetation are known to. This will inform the management process.
 - Immediate rectification of vandalism and damage. Defects in the landscape are identified early and addressed promptly.
 - Pest Control is not just for plants. Pests such as wasps nest and rat infestation must be dealt with as they detrimentally effect the health of the public.
 - References to the appropriate and current British Standards and current legislation. It is the Landscape Contractors responsibility to ensure that all operatives are conversant with the foregoing legislation and other relevant Codes of Practice and British Standards.
 - The relevant legislation in respect of Health and safety, risk assessment, use of chemicals, etc must be included in the document
- Insurances and Certification: The appointed Contractor must provide details of all necessary insurances and certification to carry-out the works specified in this management plan. It is the responsibility of the appointing authority to ensure that all submitted insurances and certificates are up to date and provide the appropriate level of cover for the specified works.
 - Environmental Considerations: All chemical weed control must be carried out by suitably trained staff in accordance with the manufacturers recommendations and the legislation set out below:
 - The Food and Environment Protection Act (1985);
 - The Control of Pesticides Regulations 1986 (COPR) (as amended 1997);
 - The Control of Substances Hazardous to Health Regulations (2002);
 - The Environment Protection Act (1990)
 - Litter and Hazardous Materials: Particular care will be taken to remove all broken bottles, glass, tins, sharp objects and other items likely to constitute a hazard to the public.
 - Tree Watering Monitoring: Trees must be watered in accordance with para 11.3 BS8545: 2014 Trees: from nursery to independence in the landscape – Recommendations. Monitoring is of soil moisture is important. Too much water is a bad as too little. An appropriate water source to be identified. If no water source is available, then watering will be carried out using a bowser.

Oxfordshire County Council:

Transport

OCC initially objected to the proposed development on the basis that provisions for car parking, electric vehicle charging and cycle parking do not meet standards; highway layout and design matters require improvement; and further highway design information is required. OCC also provided the following detailed comments:

- Transport Development Control: It should be noted that the County's parking standards, as referred to in Section 4 of the TS, are under review and will soon be superseded. These revised parking standards are referred to where relevant. In the case of the proposed under this application the relevant car and cycle parking standards are unchanged. Reference is made to the Planning Layout presented in drawing No.7081-059.

The County's revised car parking standards provide for one parking space per 40m² of floor area as an upper limit. Applying this standard to the floor area used in paragraph 4.12 of the TS gives an upper limit of 293 parking spaces. The proposed provision of 335 car parking spaces exceeds this upper limit and should be reduced accordingly (reason for objection).

It is not stated in the TS what provision will be made for electric vehicle (EV) charging, and no provision for EV charging is shown on the Planning Layout. EV charging should be provided in accordance with policy EVI8 of the Oxfordshire Electric Vehicle Infrastructure Strategy, which states: "Planning permission will only be granted for non-residential development that includes parking spaces if a minimum of 25% of the spaces are provided with electric charging points" (reason for objection).

The County's revised cycle parking standards for this land use are unchanged and therefore the requirement set out in paragraph 4.16 is valid. Cycle parking is provided in cycle shelters adjacent to units A, D, H and M. It is not stated in the TS what quantum of cycle parking these shelters offer, nor is it clear from the Planning Layout.

However, close examination of the Planning Layout suggests that each cycle shelter might offer eight cycle parking spaces making a total provision of 32 cycle parking spaces. This is substantially lower than the requirement of 103 spaces identified in paragraph 4.16 of the TS. The quantum of cycle parking provision should meet the County's standards and should be clearly stated (reason for objection).

Given the location and scale of the development proposals a Construction Traffic Management Plan will be required. This should be developed using the County's guidance checklist and can be submitted in discharge of a condition of planning permission.

- Travel Plans: All units are under 1,500m², therefore none of them trigger an individual travel plan requirement. However, the Framework Travel Plan for the site dated December 2016 should be updated to reflect the occupation of this part of the development. This can be submitted in discharge of a condition of planning permission.
- Road Agreements: The cycleway should be extended out past their bellmouth to get cycles off carriageway sooner and have their bellmouth as a set back cycle crossing in line with LTN1/20 (reason for objection).

HGV tracking should be provided for entrance and exit of site (reason for objection).

The 30mph speed limit reduction will require extension and TRO to incorporate the new access and visibility splays (reason for objection).

A long section has not been provided and will be required to ensure compliance with the Equalities Act 2010. This must include details of the

vertical alignment to determine appropriate carriageway and footway gradients. They will need to be DDA compliant i.e. maximum 1:21 or 5% (reason for objection).

There are no visibility splays indicated. Junction and Forward Visibility Splays and dimensions must be in accordance with DMRB and dedicated to OCC if they fall out of the existing highway boundary (reason for objection).

Provide a Stage 1 Road Safety Audit in accordance with GG119 (5.46.1). This will be required in advance of planning permission being granted as the findings may result in the red line boundary having to change due to road safety remedial measures being required (reason for objection).

- S106 obligations and their compliance with Regulation 122(2) Community Infrastructure Levy Regulations 2010 (as amended): A Section 106 Agreement for the outline planning application for this site under 16/02586/OUT was executed in July 2017 and provides for various transport related contributions including strategic transport, bus stop and travel plan contributions.
- S278 Highway Works: An obligation to enter into a S278 Agreement will be required to secure the new access off Wendlebury Road as set out in Vectos drawing No.226701_PD01, together with the extended cycleway as noted above under Road Agreements.

This is to be secured by means of S106 restriction not to implement development until S278 agreement has been entered into. The trigger by which time S278 works are to be completed shall also be included in the S106 agreement.

Identification of areas required to be dedicated as public highway and agreement of all relevant landowners will be necessary in order to enter into the S278 agreements.

S278 agreements include certain payments, including commuted sums, that apply to all S278 agreements however the S278 agreement may also include an additional payment(s) relating to specific works.

- Planning Conditions: In the event that permission is to be given, the following transport related planning conditions should be attached.
 - Prior to the commencement of the development a Construction Traffic Management Plan prepared in accordance with Oxfordshire County Council's checklist, must be submitted to and approved in writing by the local planning authority. The construction works must be carried out in accordance with the details approved in the Construction Traffic Management Plan.
 - Prior to first occupation an updated Framework Travel Plan for the site should be submitted to the Local Planning Authority.

OCC were reconsulted on the 18 October 2022 following the submission of additional information by the applicant/agent. Whilst some of the comments raised in the initial response were considered to have been addressed (including car parking provision; provision of EV charging points; cycle parking provision; HGV Tracking; extension to 30mph speed limit and TRO; and visibility splays at proposed access), OCC left an objection in place for the following reasons:

- A cycle way extension was still required.
- A long section and vertical alignment were still required.
- A Stage 1 Road Safety Audit was still required.

Following further engagement with the applicant/agent, the submission of additional information and subsequent reconsultation on the 28 October 2022, OCC removed their objection on the following grounds:

- **Cycle Way Extension:** The approved outline application under 16-02586-OUT does not make provision for a cycle way extension. As it was not requested under the outline planning and the developer is not open to extending the cycle way, the County can not insist this is included.
- **Long Section and Vertical Alignment:** The County has reviewed the long sections and vertical alignments at the access and they are acceptable.
- **Stage 1 Road Safety Audit:** The County has reviewed the Final Stage 1 Road Safety Audit of 14 October 2022 and the subsequent designers response report of 19 October 2022.

As part of this latest response, OCC further reiterate the requirement for the following:

- An obligation to enter into a S278 agreement as set out in the County's initial response to this application of 17 August 2022.
- Planning conditions as set out in the County's initial response to this application of 17 August 2022.

Lead Local Flood Authority

Comments that drainage conditions relating to 16/02586/OUT need to be discharged prior to commencement.

Archaeology

An archaeological evaluation has been carried out on the site which recorded the remains of part of the Alchester Roman Town extra mural settlement. The Applicant has agreed that these will be preserved in situ via the positioning of the carpark over the areas of most dense archaeology. As such, there are no further archaeological constraints to this reserved matters application.

External Consultees:

Bicester Bike Users Group

States that there are a number of remaining issues that we wish to highlight which can still be addressed to bring the cycling and walking access up to the required standards.

- Need segregated, not shared, cycle and pedestrian paths at the perimeter of the site. LTN 1/20 9.4.1; OCC Cycle Design Standards 2.2.8
- Need improved and segregated crossings over Charles Shouler Way, both at north and south ends to allow access on foot and bike to and from Bicester

and railway station. Ideally parallel crossing (LTN 1/20 10.7.12), but toucan if not. Note that southern crossing of Charles Shouler Way is currently very narrow and pedestrian only. LTN 1/20 Table 10-1, 1.6.1

- Require priority segregated crossings across mouths of junctions where heavy goods vehicles will be travelling. LTN 1/20 Fig 1.1, Table 10-1, Bicester LCWIP [20]
- Need secure cycle parking for bikes, cargo bikes, and ebikes immediately adjacent to entrances to allow passive observation. LTN 1/20 11.2.3
- Need to improve access to slip road for pedestrians and cyclists.

Thames Valley Police

Comments:

- The Design and Access Statement (DAS) does not adequately address crime and disorder as required by CABE's 'Design & Access Statements-How to write, read and use them'. This states that DAS' should; 'Demonstrate how development can create accessible and safe environments, including addressing crime and disorder and fear of crime'. I recommend that the applicants provide an addendum to the DAS that comprehensively addresses crime and disorder, incorporating the principles of Crime Prevention through Environmental Design (CPTED) prior to any outline approval. This document should demonstrate a commitment to achieving accreditation under the police's Secured by Design (SBD) scheme.
- Excessive permeability: The entire development is vulnerable to crime and ASB, due to the site being excessively permeable throughout. Footpaths intersecting the site allow offenders legitimate access to all areas of the site, and prevents their identification and the ability to challenge those who should not be there. Whilst permeability is desirable in residential settings, I recommend in a commercial development such as this access should be permitted only to legitimate users of the development. Footpaths surrounding the site should be separated by suitable boundary treatments and landscaping to clearly demarcate the change in ownership from public to private space and prevent entry. Non-users of the development should not be encouraged to walk through the site, and it should have a clearly identifiable single point of entry and exit to reduce opportunities for unauthorised entry.
- Car parking: The security of the car parks and vehicles within them is undermined by public footpaths intersecting the site. This makes it impossible to identify and challenge offenders that are within what should be a secure parking area. I ask that any public footpaths are located outside of the car park, with sufficient boundaries and landscaping features to prevent unauthorised intrusion into the parking area. The parking area should be secure and accessible only to legitimate users of the car park.

Surveillance opportunities to the south of the car parking area are reduced as parking is located away from buildings, only overlooked by a parking area of adjacent development. I recommend parking is located where it is well overlooked by the buildings that it serves, and additional protection in the form of formal surveillance (CCTV) should also be provided.

The parking area is fully accessible and open, leaving it at risk of crime, ASB and illegal encampments, particularly late at night or during periods of low occupation. I recommend all private car parking areas are protected with boundary treatments, landscaping and barriers to prevent unauthorised access. Height restriction barriers should also be provided for areas away from buildings that are intended for car parking only.

- Cycle storage: It is unclear from the masterplan what surveillance will be afforded to cycle parking, particularly without any form of layout indicated within the units. Some stands are located in areas where they are potentially going to be vulnerable due to a lack of surveillance. I ask that all cycle stands are relocated so that they are adjacent to the entrances to units, where they will be well overlooked by the entrance and surveillance from people coming and going from the units. Formal surveillance (CCTV) should also cover all cycle storage areas.
- Bin stores: Bin stores are also potentially vulnerable to crime and ASB, with entrances not well overlooked by surveillance from the units they serve. I recommend bin stores are robustly secured with doors that meet the certification of LPS 1175 S7 SR2 or equivalent.
- Building security: Given the proximity and ease of access to the strategic road network and M40 motorway, this site may be at higher risk of targeted crime and ASB, with ease and speed of access and egress from the site easily achievable. For this reason I strongly recommend the applicant consults the guidance within Secured by Design – Commercial 2015, and incorporates the guidance within it when specifying security levels for the units, particularly doors, windows, postal services and vehicle security shutters. In order to ensure this opportunity is not missed, I ask that the following or similarly worded condition be placed upon the applicant:

Condition 1 – Prior to commencement of development, an application shall be made for Secured by Design Silver accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details, and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.

Thames Water

Thames Water recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development doesn't materially affect the sewer network and as such we have no objection, however care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. In the longer term Thames Water, along with other partners, are working on a strategy to reduce groundwater entering the sewer networks.

The application indicates that SURFACE WATER will NOT be discharged to the public network and as such Thames Water has no objection, however approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance

activities or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipes>

Environment Agency

States that they do not wish to be consulted on this planning application.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

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

- SLE1 - Employment Development
- SLE2 - Securing Dynamic Town Centres
- SLE3 - Supporting Tourism Growth
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- BICESTER 10 - Bicester Gateway
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- T2 - Proposals for hotels, motels, guest houses and restaurants within settlements
- C8 - Sporadic development in the open countryside
- C28 - Layout, design and external appearance of new development
- ENV1 - Development likely to cause detrimental levels of pollution
- ENV12 - Development on contaminated land

- 7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

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

- Principle of the Proposed Development;
- Access and Transport Impacts;
- Design, Appearance and Impact on the Character of the Area;
- Landscaping;
- Ecology;
- Impact on the Historic Environment;
- Flood Risk/Drainage;
- Energy Efficiency/Sustainability; and
- Secured by Design.

Principle of the Proposed Development

8.2. The principle of employment-based development in the form of knowledge economy units is established by the granting of outline planning consent (16/02586/OUT). A phasing plan has also been approved under condition 2 of the outline permission.

8.3. This application seeks to deal with the detailed access, layout, scale, appearance and landscaping details for Phase 1B. It is necessary at this stage to ensure the proposal is consistent with the parameters and principles established by the outline permission.

8.4. The general layout of the buildings, car parking and access follows the principles set by the outline consent and is acceptable in this respect. Furthermore, the development of the site falls within Phase 1 of the development which is consistent with the approved phasing.

Access and Transport Impacts

8.5. Policies Bicester 10 and SLE4 require new development to maximise opportunities for access to sustainable modes of travel. The policies also seek improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development. Policy Bicester 10 adds that development on the allocated site should safeguard land for future highway improvements.

8.6. Furthermore, Policy Bicester 10 requires provision for safe pedestrian and cyclist access from the A41 including facilitating the provision and upgrading of footpaths and cycleways to improve links between the site and surrounding development as well as the town centre. The policy also requires maximisation of walking and cycling links as well as a high degree of integration and connectivity between new development on Bicester 10 and the new mixed use urban extension at South West Bicester, the existing garden centre to the north as well as Bicester Village and Bicester town centre. Accommodation of bus stops to link new development on Bicester 10 to the wider town are also required by the allocation policy.

8.7. Access to the site is taken from a single point on Wendlebury Road. Whilst access was a reserved matter at the outline application stage and the means of access to the proposed development was not therefore fixed, points of access were indicated that were subsequently demonstrated to be suitable to the satisfaction of OCC as the highway authority at the time.

8.8. OCC Highways initially objected to the proposals, raising comments in relation to:

- Over provision of car parking
- Lack of electric vehicle charging points
- Under provision of cycle parking
- Requirement for a Construction Traffic Management Plan
- Updates required to the Framework Travel Plan
- Requirement for extension of the cycleway
- Provision of HGV tracking for entrance and exit of site
- Required extension of the 30mph speed limit reduction
- Requirement of a long section
- Lack of visibility splays indicated
- Requirement for a Stage 1 Road Safety Audit
- Requirement for a Section 278 Agreement and for matters relating to design to be set out

8.9. Based on OCC's detailed comments, the applicant subsequently provided additional information to address all of the above points, with the exception of the extended cycleway and over provision of car parking. On that basis, the proposed access, parking and layout arrangements are now considered to be acceptable. Secure cycle parking is also proposed and conveniently located at the end of the units, within covered cycle parking areas. The design and amount of parking is also considered to be acceptable.

8.10. In terms of the cycleway, OCC requested that this be extended out past the proposed bellmouth, in order to get cycles off carriageway sooner and also to have the bellmouth as a set back cycle crossing, in line with LTN1/20. However, as this was not requested under the outline planning and the applicant is not open to extending the cycle way, it would be unreasonable to insist that this is included at this stage. OCC has since removed its objection on that basis.

8.11. In terms of the over provision of car parking, OCC requested that car parking be reduced to one parking space per 40m² of floor area as an upper limit, on the basis that their current parking standards are under review and will soon be superseded. Under the new standards the development would therefore be subject to an upper limit of 293 parking spaces, which the currently proposed provision of 335 car parking spaces exceeds. The applicant/agent subsequently provided a technical note arguing in favour of the proposed level of provision of car parking on the basis that the level of car parking to be provided had already been set under the outline consent and that the County's revised standards were yet to be adopted and thus carried no weight.

8.12. Whilst OCC did not accept these arguments and adhered in principle to its emerging standards, it also maintained the position that it set out in its response to the outline application under 16/02586/OUT that: "...we would expect the amount of parking proposed to be suitably justified so as to prevent the likelihood of overspill parking either onto Wendlebury Road (there TROs may be necessary) or into the Park and Ride site or Bicester Avenue's car park." To this end, OCC suggested that a car parking accumulation analysis may support the proposed level of car parking at the site. An accumulation analysis was undertaken by the applicant and reviewed by the County, which was considered to justify the proposed car parking provision at this site. OCC has since removed its objection on that basis.

8.13. In light of the above, it is considered that the proposed highway layout and access arrangements are acceptable, in accordance with the parameters approved at

outline stage. Adequate provision has also been made for vehicle and cycle parking, including the provision of electric vehicle charging points. OCC Highways has also recommended a condition requiring a Construction Traffic Management Plan and a Framework Travel Plan to be submitted, which will be included as part of any planning permission granted, however it should be noted that this matter has already been dealt with via condition at the outline stage.

- 8.14. The route for the public right of way to the south of the site is allowed for through the car parking area of the site. A note is recommended to ensure that should there be a need for any formal required change, this be conducted through the appropriate legal route.

Design, Appearance and Impact on the Character of the Area

- 8.15. Policy Bicester 10 requires development on the site to be of high quality, modern design and finish with careful consideration given to architecture and layout and with care given to building heights to reduce overall visual impact. Similarly, Policy ESD15 requires new development to respect its context.
- 8.16. The proposed Class E (formerly Class B) knowledge economy units are shown to have a maximum height of approximately 10.8m, which is consistent with the 3-storey office units shown indicatively as part of the outline application. Given the archaeological constraints outlined later within this report, these are located close to the western boundary and A41, as per the illustrative site layout plan and design and access statement submitted with the outline application.
- 8.17. The broadly L-shaped buildings previously indicated have been replaced with 2 blocks of 4 units in the central portion and 2 blocks of 2 units to the north and south. This approach helps to break-up the continuous mass created along the A41 frontage as part of the conceptual massing visualisation submitted with the outline application, thereby reducing its visual impact and creating a more gradual change in character on the entry to Bicester from the southwest.
- 8.18. As previously stated in relation to the outline planning consent, whilst the proposals are not necessarily sympathetic to local landscape character and would be visually prominent in immediate views due to their overall scale, the site has been allocated for development and landscape harm is an inevitable consequence of that. Indeed, such harm would have been balanced against the benefits associated with new employment development as part of the decision to adopt Policy Bicester 10 and the principle of it has therefore already been established. Furthermore, officers were (and remain) receptive to the notion that a modern business park on this new gateway into Bicester should create a sense of arrival and therefore contain buildings of some scale, architectural merit and presence.
- 8.19. In terms of materials, the facade proposals for each unit consist of flat metallic silver cladding panels, with the main entrances defined by double height curtain walling and a projecting glazed canopy. These are framed by inset green feature cladding panels with green aluminium fins arranged at different levels along the long elevations. The main office elevations that front Vendee Drive to the north-west and the A41 to the south-east will have continuous ribbon glazing at the lower and upper levels with green fins and framed with projecting feature frames with green reveals. The metal profiled insulated roof with valleys and parapet gutters will be concealed by the parapet design.
- 8.20. The site lies within the context of the much wider Bicester Gateway, which will accommodate a series of similar business park type uses. The materials proposed are consistent with those utilised within other contemporary and high-quality

developments, including the Catalyst development to the south-east, which comprises four similar metal clad buildings with glazing to the front.

- 8.21. In terms of open space and planting, whilst a large proportion of the site comprises built development, the layout of the site is heavily constrained by the presence of the remains of part of the Alchester Roman Town settlement, which will be preserved in situ under the proposed carpark. This has in turn resulted in few opportunities for meaningful new soft landscaping and green spaces other than the retention and enhancement of existing linear features such as hedgerows, treelines and ditches.
- 8.22. In light of the above, it is considered that the proposals are visually appropriate and thus in accordance with the requirements of Policies Bicester 10 and ESD15.

Landscaping

- 8.23. Policy Bicester 10 requires development on the site to provide structured open spaces and planting that provides a strong landscape setting. Similarly, Policy ESD15 requires new development to take the opportunities available to improve the character and appearance of the area and the way it functions.
- 8.24. The proposals have been assessed by the Council's Landscape Architect, who has raised several comments, which primarily focus on the requirement for additional trees to mitigate the heat Island effect and to provide amenity and wildlife value. The comments include a marked-up plan showing provisional locations for 16 additional oak trees. However, it should be noted that these are located within an archaeological priority area containing part of the Alchester Roman Town settlement, which is to be preserved in situ. Consequently, there are very limited opportunities for new tree planting within this area, with only two proposed planted in mounds in order to raise them above the level of potential archaeology. Nonetheless, a significant amount of new planting and landscaping is proposed elsewhere across the site, including within the parking areas between the units and along internal access roads.
- 8.25. Comments were also raised regarding additional information required as part of the Landscape and Ecological Management Plan (LEMP). However, it should be noted that the applicant has submitted a Landscape Management Plan (LMP), which does not fulfil the ecological function. This is instead addressed in the Ecology Statement submitted with the application.
- 8.26. Based on the Landscape Architect's comments, the applicant has provided amended landscape plans and an updated LMP, which include the following:
- Installation of 1m wide planters between parking spaces to include planting and additional small trees to help break up the parking area, as well as mitigating the heat Island effect and provide amenity and wildlife value.
 - Replacement of Liquidamber and Malus trees with Acer and Cercis.
 - Replacement of non-native Birch with native Betula Pendula.
 - Inclusion of knee rails indicated where shrub is located along parking areas and elsewhere, where feasible.
 - Indication of tree pit details and root deflectors on the relevant plans, with tree clearly set out within the planting plans on mounding and elsewhere.

- Inclusion of Insurances and Certification, Environmental Considerations and Litter and hazardous materials as part of the LMP.

8.27. In terms of the comments raised by the Landscape Architect, it is considered that having regard to existing archaeological constraints, the landscaping proposals are acceptable.

Ecology

8.28. Policy ESD15 of the adopted Cherwell Local Plan advises that new development should integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible in accordance with Policies ESD10 and ESD17 of the adopted Local Plan. Well-designed landscape schemes should be an integral part of the development proposals to support improvements to biodiversity, the micro-climate and air pollution and provide attractive places to live and work. An Ecology Statement has been submitted with the application, with a particular focus on the discharge of conditions 10, 24 & 25 of 16/02586/OUT, which are as follows:

- Condition 10 – requires a reptile survey relating to the whole of Phase 1 as part of the first reserved matters application relating to development on Phase 1A or Phase 1B, to include details of any necessary protection, mitigation and management measures both during construction and once operational.
- Condition 24 – requires all reserved matters applications to be accompanied by a statement that appraises the ecological implications of those proposals, including details of mitigation for protected/priority species and the contribution towards biodiversity net gain.
- Condition 25 – requires updated surveys for all protected species assessed as part of the original planning application to be undertaken and submitted for approval if development does not commence within three years.

8.29. The report considers the survey data from 2016 and 2017 in order to assess the need for further survey work. The initial suite of ecological surveys recorded the site as mainly comprising habitats of low ecological value, including semi-improved grassland with scattered areas of dense scrub and linear features in the form of hedgerows, treelines and ditches.

8.30. A follow-up walkover survey was undertaken in April 2022 to appraise habitat suitability for reptiles and bats (which were the only protected or notable species previously identified), amongst other faunal groups. Whilst the boundary features present at the time of the initial surveys were still as recorded at the time of the most recent survey in April 2022 and the grassland continued to be regularly managed with a short sward, the areas of scattered scrub previously present within the grassland field had been cleared.

8.31. Given the site's small size, its isolation as a result of the existing road network, and the limited range of habitats identified as part of the April 2022 survey, it is not considered the Application Site is of any significant value for any protected or notable faunal species, other than low-importance foraging and commuting habitat for common bats and low-importance suitable nesting and foraging opportunities for birds.

8.32. Alongside the suite of mitigation measures secured as part of the outline consent, the Ecology Statement also identifies additional enhancement specific to the Reserved Matters Application Site, including:

- Provision of minimum 25 bat roosting features on new buildings and/or installed on retained trees, strategically located to avoid areas of high light spill, and situated in close proximity of semi-natural habitats;
- Provision of minimum 40 bird nesting features on new buildings/structures and/or installed on retained trees, with at least 20 of these to comprise Swift boxes; and
- Additional financial contribution of a further £6,000 to ensure additional ecological enhancements as part of the revised development proposals for Phase 1B.

8.33. As set out above, the submitted Ecology Statement meets the requirements of conditions 10, 24 & 25 of 16/02586/OUT. Coupled with the additional measures proposed, it is therefore considered that the proposals will provide substantial opportunities for biodiversity net gain in addition to the enhancements already secured as part of the outline consent.

Impact on the Historic Environment

8.34. As reflected in the consultation response from OCC, an archaeological evaluation has been undertaken on site to record the remains of part of the Alchester Roman Town settlement, which will be preserved in situ under the proposed carpark.

8.35. As such, there are no further archaeological constraints and the proposals are compliant with Policy ESD15 and Government guidance within the National Planning Policy Framework.

Flood Risk/Drainage

8.36. Policies ESD6 and ESD7 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that proposals incorporate sustainable drainage systems (SuDS) in order to prevent increased risk of flash flooding caused by surface water discharge from new developments. In line with these requirements, the outline permission (16/02586/OUT) is subject to the following conditions:

- Condition 15 – requires the submission, written approval and implementation of a surface water drainage scheme prior to the commencement of development in an approved phase.
- Condition 16 – requires the submission and written approval of impact studies on the existing water supply infrastructure and the magnitude and timing of any new additional capacity required in the system, prior to the commencement of development in that phase.
- Condition 17 – requires the submission and written approval of a foul drainage strategy detailing any on and/or off-site drainage works, prior to the commencement of development in that phase.

8.37. A Flood Risk Assessment & Drainage Strategy Report has been prepared by Baynham Meikle Partnership Limited and submitted with the application. The report considers the potential risk of flooding to the proposed development over its expected lifetime and any possible impacts on flood risk elsewhere in terms of its

effects on flood flows and runoff. The findings and outcomes of the report are summarised below:

- Foul water will discharge into a neighbouring developments infrastructure via a private package pumping station. Surface water will be designed to cater for storm events up to 1 in 100 year plus 40% climate change.
- The site will discharge at the 1 year and 100 year greenfield runoff rates via 2 no. complex flow control units.
- The use of SuDS features has been considered and incorporated within the design where possible. Surface water discharge will be attenuated via a combination of permeable car park bays, cellular storage and oversized drainage channels with a combined attenuation volume of approximately 300m³.
- Infiltration has been discounted as a method of discharging surface water flows due to the presences of cohesive soils within the underlain strata.
- The development is classed as Less Vulnerable usage and the proposed development is in Flood Zone 1 and meets the Sequential Test. Therefore, the Exception test is not required.
- The site does not pose any increased flood risk to the site itself or adjacent developments and is not susceptible to flooding by other means.

8.38. Whilst the submitted report appears to meet the requirements of conditions 15 and 17, a water impact study is yet to be submitted in line with the requirements of condition 16 of the outline permission. In any event it should also be noted that drainage conditions relating to 16/02586/OUT will still need to be discharged prior to commencement, as reflected in the consultation response from OCC.

Energy Efficiency/Sustainability

8.39. Policy ESD5 requires new commercial developments of over 1000sqm in floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD4 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.

8.40. An Energy Strategy has been prepared by MBA Consulting Engineers Ltd and submitted with the application. The report includes a feasibility study, which identifies solar PV and air source heat pumps as the most viable technologies. The strategy subsequently proposes approximately 40m² of roof mounted solar panels (equating to a 9KW system) and an appropriately sized air source heat pump system for each of the 12 units.

8.41. Whilst the proposals might go some way to address the energy requirements of the units themselves, Policy ESD5 states that feasibility assessments are required regarding the potential for 'significant' on site renewable energy provision, which is interpreted to mean a provision beyond what the development requires in itself and one that makes a contribution towards renewable energy solutions more widely. As the smallest unit proposed has a roof area of approximately 760m², 40m² of panels per unit is considered to be an under-provision even when taking into account constraints such as roof lights and shading from extraction flues.

- 8.42. It is therefore considered appropriate to add a condition which requires a new scheme for significant on-site renewable energy provision, unless it can be robustly demonstrated that one is undeliverable or unviable.
- 8.43. Policy ESD3 requires all new non-residential development to meet at least BREEAM 'Very Good' standard. A BREEAM pre-assessment report has been prepared by Sustainably Built Ltd and submitted with the application, which confirms that a BREEAM rating of 'Excellent' is achievable on this project.
- 8.44. In light of the above, it is considered that the proposed development can achieve the levels of energy efficiency and sustainability required by ESD3, ESD4 and ESD5, subject to an appropriate condition relating to on-site renewable energy provision.

Secured by Design

- 8.45. Given the proximity and potential ease of access to the strategic road network and M40 motorway, and the resultant risk of the site potentially being at higher risk of targeted crime and ASB, Thames Valley Police recommended that the applicant consults the relevant Secured by Design guidance and incorporates the guidance within it when specifying security levels for the units. In turn, TVP requested a condition be placed upon any permission granted, requiring that an application shall be made for Secured by Design Silver accreditation. However, as the applicant/agent has indicated that the development will not be seeking Secured by Design accreditation, it would be unreasonable to insist that this is included.

9. PLANNING BALANCE AND CONCLUSION

- 9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 9.2. Having regard to the appraisal above, it is considered that the proposals detailed within this application are in accordance with the requirements of the outline planning consent and associated Section 106 Agreement, Development Plan policies and the National Planning Policy Framework. Reserved matters consent should therefore be granted accordingly.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

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

Application form and certificates
Planning Statement
Design and Access Statement
BREEAM Pre-assessment Report
BREEAM Achieving Excellent Letter
Transport Statement
Stage 1 Road Safety Audit
Road Safety Audit Designers Response
Car Parking Accumulation Assessment
Combined Parking Demand Calculations

Ecology Statement
Arboricultural Report
Landscape Management Plan Rev 3
Specification for Landscape & Horticultural Works
7081-057 Site Location Plan
7081-058 Existing Site Plan
7081-059 Rev B Proposed Masterplan
7081-060 Prop Gnd/1st Floor- Unit A - B
7081-061 Proposed Roof Plan - Unit A - B
7081-062 Proposed Elevations Unit A - B
7081-063 Proposed Sections Unit A-B
7081-064 Prop Gnd/1st floor - Unit C - F
7081-065 Proposed Roof Plan Unit C - F
7081-066 Proposed Elevations Unit C - F
7081-067 Proposed Sections Unit C-F
7081-068 Prop Gnd/1st floor- Unit G - K
7081-069 Proposed Roof Plan Unit G - K
7081-070 Proposed Elevations Unit G - K
7081-071 Proposed Sections Unit G-K
7081-072 Prop Gnd/1st floor- Unit L - M
7081-073 Proposed Roof Plan Unit L - M
7081-074 Proposed Elevations Unit L - M
7081-075 Proposed Sections Unit L-M
7081-076 3D Views 1 of 2
7081-077 3D Views 2 of 2
Dr E 6350 - P01 Lighting Diagram
13329 102 - B Proposed Levels Plan
7958.HSP.2.0 - C Hard Landscape 1 of 3
7958.HSP.2.1 – C Hard Landscape 2 of 3
7958.HSP.2.2 - C Hard Landscape 3 of 3
7958.PP.1.0 - C Planting Plan Overview
7958.PP.1.3 - C Planting plan 3 of 3
7958.PP.1.2 - C Planting plan 2 of 3
7958.PP.1.1 - C Planting Plan 1 of 3
7958.TPD.3.0 Rev A Tree Pit Detail 1 of 2
7958.TPD.3.1 Tree Pit Detail 2 of 2
226701_PD01 Proposed Scheme Layout
226701_PD01_AT01 Swept path analysis 12m Rigid Truck
226701_PD01_AT02 Swept path analysis HGV accessing site
226701_PD01_AT03 Swept path analysis Rigid Truck turning on site
226701_PD01_AT04 Swept path analysis HGV turning on site
226701_PD01_AT05 Swept path analysis 7.5t Box van turning on site
226701_PD01_AT06 Swept path analysis Refuse Vehicle turning on site
226701_PD02 Proposed Access Visibility Assessment
226701_PD03 Intervisibility Assessment at Existing Uncontrolled Pedestrian Crossing Charles Shouler Way

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

2. Prior to the first occupation of each building, cycle parking to serve that building shall be provided in the positions shown for cycle parking on drawing number 7081-059 Rev B 'Proposed Masterplan' and in accordance with the approved details. The cycle parking shall be retained and maintained for the parking of cycles in connection with the development thereafter.

Reason – To comply with Policies SLE 4, ESD 1, ESD 3, ESD 5 and Bicester 10 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with the National Planning Policy Framework.

3. A schedule of materials and finishes to be used in the external walls and roofs of the buildings shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development above slab level. The development shall thereafter be completed in accordance with the approved details.

Reason – To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason – To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The ecological enhancement measures detailed at paragraph 44 (with regard to bat roosting and bird nesting features) within the Ecology Statement prepared by Ecology Solutions (Manchester) Limited dated June 2022 and as shown on the Planting Plan Overview Plan (7958.PP.1.0 Rev C) shall be implemented prior to the first occupation of any building on the development. The ecological enhancement measures shall be thereafter 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 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to first occupation an updated Framework Travel Plan for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Framework Travel Plan.

Reason – In order to encourage the use of sustainable modes of transport and to protect the amenity of the surrounding area, having regard to Policies Bicester 10 and SLE4 of the Cherwell Local Plan.

7. Notwithstanding the measures proposed as part of the submitted Energy Strategy, prior to occupation of the development a scheme for significant on-site

renewable energy provision shall be submitted to and approved in writing by the Local Planning Authority, unless the submission shows that it can be robustly demonstrated that such a scheme is undeliverable or unviable. On-site renewable energy provision shall thereafter be carried out in accordance with the approved details approved.

Reason – To ensure that the development maximises opportunities for renewable energy generation in order to contribute to national carbon emissions reductions and renewable energy generation targets, having regard to Policy ESD5 of the Cherwell Local Plan.

Case Officer: Simon Newall

DATE: 10th November 2022

Checked By: Caroline Ford

DATE: 11th November 2022
