

**Case Officer:** Tom Webster

**Recommendation:** Approve

**Applicant:** Peveril Securities Ltd and Sladen Estates Ltd

**Proposal:** Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of 17/02534/OUT relating to the erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace (now under Use Class E); associated vehicle parking, landscaping, highways, infrastructure and earthworks (Original Application accompanied by an Environmental Statement)

**Expiry Date:** 14 August 2023

**Extension of Time:**

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

- 1.1. The application site relates to 13.1 hectares of currently predominantly arable land that surrounds the existing Tesco superstore adjacent to the A41 in Bicester. The application site forms the majority of the land strategically allocated as Bicester 4 through the Cherwell Local Plan 2011-2031 Part 1 (CLPP1) for the creation of a new office/business park. The site is generally flat and features a predominantly open boundary to Lakeview Drive, separated by only a line of newly planted trees planted along the verge.
- 1.2. A combination of trees, hedgerows and woodland form the western, southern and eastern boundaries together with a network of drainage ditches. An existing ditch passes through the site from Lakeview Drive and feeds a pond just beyond the southern boundary of the site.
- 1.3. To the east of the site lies Langford Brook and beyond this the sewage treatment works. To the south lies Bicester Avenue garden/retail centre. The land between the eastern boundary of the site and Langford Brook is all within the floodplain. With the exception of the eastern edge of the site, which is inside Flood Zones 2 and 3, there are no relevant statutory or planning policy constraints/designations affecting the site.
- 1.4. The site is accessed via Lakeview Drive, a private road which also provides access to the new Tesco store.

## **2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1. On 6th December 2020, Outline consent 17/02534/OUT was granted for a business park that would accommodate up to 60,000sqm (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace, along with associated vehicle parking, landscaping, highways, infrastructure and earthworks.
- 2.2. The applicant now seeks to make a series of small material amendments to some of the approved details by amending:

- Condition 4 (approved plans and documents);
- Condition 30 (Highways design); and
- Condition 34 (employment floor space limit of planning approval 17/02534/OUT).

2.3. Condition 4 secures compliance with the approved plans of the extant outline consent. Condition 4 is written as follows:

*“Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:*

*Dwg No. 1105\_P\_005 Rev. E (Parameters Plan)*

*Dwg No. 1105\_P\_004 Rev. A (Planning Application Boundary)*

*The Maximum building heights set out in Table 4.1 of the Environmental Impact Assessment dated December 2017*

*The Design Principles set out on page 11 of the Design and Access Statement dated August 2018*

*Dwg No. 170211-06 Rev A (Highway Access Plan)*

*Dwg No. 170211-07 Rev B (Proposed Highway Arrangement)*

*Dwg No. 170211-08 Rev A (Proposed Highway Arrangement)*

*Dwg No. 170211-04 (Oxford Road/ Middleton Stoney Mini Roundabout mitigation scheme)*

*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 and Planning Practice Guidance.”*

2.4. It is proposed to remove the word ‘strictly’ and change the plan numbers of the Parameters Plan, Phasing Plan and the Highway plans, respectively to allow for an increased height of the future buildings, an improved junction between the A41 and Lakeview Drive and an up to date phasing plan.

2.5. The revised wording of Condition 4, if consented, would read as:

*Except where otherwise stipulated by condition, the development shall be carried out strictly in accordance with the following plans and documents:*

*05935-5PA-MP-00-DR-A-9000 Rev A - Location Plan*

*05935-5PA-MP-00-DR-A-9010 - Parameters Plan*

*F141 Rev B – Planning Phases Site Plan*

*Proposed Building Heights (see Table A of this Planning Statement)*

*The Design Principles set out on in Appendix A of the Planning Statement, dated April 2023*

*LDB-BWB-GEN-XX-SK-C-1002\_Highway Access Plan S1-P4*

*LDB-BWB-HGT-XX-SK-C-1000\_Proposed Highway Arrangement S1 Rev P1*

*LDB-BWB-HGT-XX-SK-C-1001\_Proposed Highway Arrangement S1 Rev P1*

*LDB-BWB-HGT-XX-SK-C-1003\_Oxford Rd/ Middleton Stoney S1 Rev P1*

*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 and Planning Practice Guidance.*

- 2.6. Condition 30, which is related to highway junction/access design, is current worded as:

*“Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as shown in drawing no. 170211-08 Rev. A shall have been fully formed, laid out and constructed such that it is available for use.*

*Reason - To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.”*

- 2.7. It is proposed to change the wording of this condition to capture a revised junction design along the A41 and Lakeview Drive:

*Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as shown in drawing no. ~~170211-08 Rev~~ [LDB-BWB-GEN-XX-SK-C-1002 REV P4](#) shall have been fully formed, laid out and constructed such that it is available for use.*

*Reason - To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.*

- 2.8. Condition 34 secures and caps the total quantum of commercial floorspace taking place across the site allocation site. At present, the condition is worded as follows:

*“No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number 1105\_P\_005 Rev E titled ‘Parameters Plan’.*

*Reason - To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.”*

- 2.9. It is proposed to replace the drawing number referenced in this condition to capture the revised parameter plan. Accordingly, it is requested that the revised condition now reads as:

*No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number ~~1105\_P\_005 Rev E~~ [05935-5PA-MP-00-DR-A-9010](#) titled ‘Parameters Plan’.*

*Reason - To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.*

### **3. RELEVANT PLANNING HISTORY**

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

17/02534/OUT - The erection of a business park of up to 60,000sqm (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace; associated vehicle parking, landscaping, highways, infrastructure and earthworks” – *Granted 6 December 2020*;

07/01106/OUT - Outline - Construction of a 60000sqm business park incorporating offices (B1) and hotel (C1), parking for up to 1,837 cars, associated highway, infrastructure and earthworks (as amplified by additional information received 15.08.07, addendum to the Flood Risk Assessment received 07.09.07, additional information received 18.10.07 and Archaeological Trench Evaluation received 04.12.07). *Granted 26 October 2010*;

12/01193/F - Proposed foodstore with associated car parking, petrol filling station with car wash/jet wash, recycling facilities, ancillary plant and equipment, landscaping, access and highway works. *Granted 12 November 2013*;

23/01711/REM - Reserved matters approval for 17/02534/OUT - Proposed construction of a sub-station with all associated works. *Granted 17 November 2023*.

#### **4. PRE-APPLICATION DISCUSSIONS**

- 4.1. The applicants initially sought pre-application advice from the Council and a couple of informal meetings took place in the autumn of 2022 and the spring of 2023. However, the applicants requested not to receive the Officer’s formal written response.

#### **5. RESPONSE TO PUBLICITY**

- 5.1. This EIA application has been publicised by way of a site notice displayed near the site on the 15 May 2023, by advertisement in the local newspaper on the 25 May 2023, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records.

- 5.2. Seven letters from third parties were received. The comments raised by third parties are summarised as follows:

- Current proposed design would make journeys by foot or bike, which CDC is meant to be encouraging, more difficult;
- By staggering the pedestrian route through this junction, the journey for pedestrians will be made more arduous and will drive more to vehicle transport than active, as Cherwell allegedly supports;
- It is recommended that the walking route is aligned to minimise turns pedestrians have to make, and ideally as close to a straight line as possible;
- One resident attached a diagram which optimised the walking route and would create a small deviation in the route’s middle to provide a perceptual change for pathway users to make them aware that there is a change in permissions;
- Adding separate crossings for pedestrians and cyclists is warranted;
- It will take longer for residents to cross and is more dangerous;
- The proposal is contrary to Local Plan policies ESD1, SLE4 and paragraph B77, and National Planning Policy Framework (NPPF, September 2023) paragraph 104;

- The cycleway as existing and proposed is not designed in accordance with LTN1/20 and, given the current speed limit, would introduce safety risks to cyclists in close proximity to motor traffic travelling at 40mph;
- The cycleway should be segregated from pedestrians, and there should be a 1.0m buffer between the cycleway and the carriageway;
- The proposed layout does not include a LTN1/20 cycleway connection to the new housing developments to the west.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

## 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 COUNCIL

Chesterton Parish Council: *Support & doesn't have any objection to this planning application.*

### STATUTORY CONSULTEES

6.2. Buckinghamshire Council: *The above s73 application relates to changes to the wording of three conditions (4, 30 and 34) of the original outline planning permission (17/02534/OUT).*

*The amendments to the conditions relate to changes arising from detailed design work and road safety work. The extent of the changes include amendments to the floor to ceiling heights from 4.1m to 4.5m for the office space, this results in marginal changes to the overall building heights allowed under the outline planning permission with a maximum height change of 5m. The highways amendments include changes to the traffic islands which are upgrades based upon road safety audits and long-term maintenance requirements.*

*The proposed amendments to the conditions relate to the drawing numbers referenced as these have been superseded due to the amendments mentioned above. Whilst the increase in height is acknowledged the proposal falls within Bicester Business Park which is a commercial/industrial area and due to its distance is unlikely to result in undue impacts on the Council. Overall, officers consider the highways works to be non-material and the maximum increase in height of 5m to the building heights are not considered to result in any undue impacts to the Council given the scale of the proposal already approved under 17/02534/OUT and the distance from the Council boundary.*

6.3. National Highways: *No objections. In the case of this development proposal, their interest is in the A34 and M40.*

*They have reviewed the details of this application and are satisfied that the impacts of the proposed variation of conditions 4, 30 and 34 of planning permission 17/02534/OUT will not materially impact the safe and efficient operation of the SRN. The highway changes proposed do not interact with the SRN and the size of the development is not changed.*

6.4. OCC Flood Authority: *No comments.*

- 6.5. OCC Highways: Prior to this application, progress on the s278 agreement had identified the need to further improvements on the A41 Oxford Road/ Lakeview Drive junctions over what was in the agreed plans in order to align with current standards for pedestrian and cycle facilities. This application gives the opportunity to consider these improvements to the A41 Oxford Road/ Lakeview Drive junction.

As such, Drawing no: LDB-BWB-HGT-XX-SK-C-1002 Rev P4 has been submitted in support of this application. I note that this design is a considerable improvement on the consented junction design (Drawing no. 170211- 08 Rev A) including the earlier arrangements submitted by the developer under this application, in that pedestrians could cross Lakeview Drive in two rather than four stages, and cyclists in one stage. This change was something OCC requested, partly in response to feedback from BBUG and other consultees, and would represent an improvement on the current situation, which requires pedestrians and cyclists to cross Lakeview Drive in three stages.

In addition to the above, the following measures shall also be required to make the development accord with the current standards.

The consented outline application (ref: 17/02534/OUT) proposed a 3m wide shared use footway/ cycleway along the A41 eastern side of Oxford Road between its junction with Pioneer Way and Lakeview Drive junction. The current guidance however requires a horizontal buffer/ verge between paths and the adjacent highway showed with 40mph speed limit. Acknowledging the growing urbanisation of this area and for the need to make the proposals compliant to the current guidance, it has been considered necessary to reduce the adjacent A41 speed limit to 30mph from the Vendee Drive roundabout into Bicester. A contribution would thus be needed to cover the administration costs towards a TRO consultation for this purpose. A unilateral undertaking shall suffice.

The width of the current shared footway/ cycleway along the southern frontage of Lakeview Drive between its junction with the A41 Oxford Road and the roundabout leading to Tesco is not clear from the submission. This section shall need to be 3m wide to ensure safe usage of both pedestrians and cyclists accessing the site from the A41 Oxford Road in accordance with LTN 1/20 and Oxfordshire's Cycling Design Standards. This arrangement shall be covered by a planning condition.

OCC are satisfied that the impacts of the proposed variation of conditions 4, 30 and 34 of planning permission 17/02534/OUT will not materially impact the highway network in a traffic and safety point of view.

There is an existing s106 Agreement that relates to the original outline consent. I note that this application does not intend to require the agreed matters to be altered or changed.

However, the improved junction works shall need to be covered by a deed of variation.

#### S278 Highway Works:

An obligation to enter into a s278 Agreement will be required to secure improvement works as illustrated by the BWB Drawing ref: LDW-BWB-HGT-XX-SK-C-1002 Rev P4.

This is to be secured by means of s106 with restrictions not to implement development until the 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.*

*Planning Conditions:*

*In the event that permission is to be given, the following planning conditions should be attached:*

*Means of Access*

*Prior to first use or occupation of the development hereby approved, full details of the shared use path along the southern side of Lakeview Drive between the A41 Oxford Road/Lakeview Drive junction and the Tesco roundabout shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.*

*Reason - In the interests of sustainability and highway safety, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework as well as Local Standards.*

6.6. OCC Archaeology: No comments.

6.7. National Planning Casework Unit: No comments.

6.8. Active Travel England: No comments.

6.9. Environmental Agency: They have no objection to the proposed variations.

*They would like to highlight the development parameter plan submitted at outline stage included the identification of the 1% plus climate change extent (the design flood) with an indication within the outline application that this area would not be built on. The parameter plan submitted with this varied application does not include the same detail. This should not present any concerns as the flood risk assessment approved under condition 5 of the outline consent stipulates that there will be no development within the design flood extent and no land raising in flood zone 3b.*

6.10. Thames Water: No comments to make.

6.11. Environmental Health: No comments to make.

6.12. CDC Land Drainage: No comments to make.

6.13. CDC Landscape: During the course of the application, the Landscape Officer requested further information from the applicant, in the form of a photomontage panorama to help put the submitted wireline drawings into context. Following a review of the submitted photomontage panorama, the Landscape Officer commented:

*“Because the zones extend to the curtilage of the application site and project to the proposed heights, the viewer (visual receptor depending on sensitivity/fleeting views) will experience lessening degrees of ‘magnitude of change’ and ‘significance of effect’ because the proposed building facades will be set back in accordance with the approved layout, which in itself will include car parking, landscaping with intervening trees etc, including the intervening vegetation on the A41 (which I hope is not reduced in height).”*

6.14. OCC Archaeology: No comments.

## OTHER CONSULTEES

- 6.15. Bicester Bike Users Group (BBUG): *I note that the current A41 provides a dual carriageway going past this development. The current application envisages that the A41 will be widened to 3 lanes going past this development. While I recognise that there might be some justification in providing more lanes into this development to cater for the additional visitors, I struggle to see how an additional lane of traffic going past the development is directly related to the proposed development, nor reasonable or in proportion to the development, particularly where the effect of the additional lane is to make acceptable pedestrian and cycle provision almost impossible. I would note that this is a modestly sized Oxfordshire market town: an increase to 7 or 8 parallel lanes of traffic seems wholly inappropriate here.*
- 6.16. *It may be that the additional 3rd lane of the A41 going past the development was thought appropriate under a previous planning application when OCC policies were different and there was less awareness of the importance of acceptable walking and cycling provision. However, it is almost impossible to see how the additional 3rd lane is compatible with current OCC policies, in particular to prioritise walking and cycling and to only to consider road capacity schemes when all other options have been explored. The fact that this aspect of this application was overlooked by officers is another concerning dimension to this situation. However, the silver lining is that it does provide a good solution to the apparent challenge of the pedestrian and cycle crossings.*
- 6.17. *To demonstrate the quality of pedestrian and cycle crossings that would be deliverable if the applicant was not required to increase the road capacity going past the development by 50%, I thought I would provide the following concept. This shows that the space could be used to provide a large and convenient pedestrian island on the desire line and to provide a decoupled single stage cycle crossing. As before, all the crossings over Lakeview Drive can be provided with orthodox arrangements.*
- 6.18. *Given that you have indicated that OCC is due imminently to instruct the applicant to proceed with the previous problematic design with the substandard crossings for pedestrians and cyclists, and the apparently unnecessary increase in road capacity unrelated to the development, I would be grateful if you would ask the officers to review this situation as a matter of urgency. It may be that the applicant would be pleased not to be required to provide the increase in capacity.*

## **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 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced several 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 2015):

- Bicester 4 - Bicester Business Park
- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections



- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy and Allowable Solutions
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resource
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 - Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 - Green Infrastructure
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996):

- C28 - Layout, design and external appearance of new development
- ENV1 - Incompatible development
- ENV12 - Contaminated land

7.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF, Dec 2023)
- Planning Practice Guidance (PPG)
- Developer Contributions SPD (February 2018)

**8. APPRAISAL**

8.1. The principle of the development was agreed through the allocation the site for office space through Policy Bicester 4 of the CLPP1 and the subsequent outline planning permission that was granted on the site on the 6th December 2020.

8.2. The principle of the development has therefore been established and is not being re-visited by this application. The application is to solely make a series of small material amendments to the approved plans and condition details.

**Environmental Impact Assessment – Update**

8.3. The application has been re-screened under the EIA Directives and Regulations given this is a new application for planning permission. The developer has also submitted an ES Conformity Review (in Appendix B of the Planning Statement) with the application.

8.4. When considering the alterations to the development proposed within Section 73 applications, it is considered that the change would not result in environmental effects to the extent that they would require an updated assessment. The only technical issue which was deemed to require further assessment was the Landscape and Visual Impact (LVIA) for which a more detailed assessment has been reviewed by officers in the relevant section of this report.

8.5. In summary, the following conclusion was made in the 2018 Environmental Statement:

*“The most likely significant beneficial environmental effects identified for the Proposed Development once it is completed and operational are those relating to the socio-economic components. These effects include employment effects from permanent jobs and net additional permanent jobs, economics effects from gross value added, and training and skills development opportunities.*

*There are however a very small number of likely significant adverse environmental effects (three in total) likely to be experienced once the Proposed Development is completed and operational. These are effects pertaining to landscape and visual, with a likely significant (moderate adverse) effect on landscape character within the first 15 years of operation. A likely significant (minor to moderate adverse) effect on short distance views (views 1-3), experienced within the first 15 years of occupation, and a permanent significant adverse effect on birds nesting in hedgerows. Note that the first two of these effects are temporary in nature. The mature landscape setting around the Proposed Development and additional native screen planting will mature overtime so that views of the buildings and structures will be limited if not obscured, therefore minimising adverse effects experienced by sensitive receptors.”*

- 8.6. This conclusion is considered to remain valid. Officers are satisfied that there are no resultant material changes to the finding of the original 2018 Environmental Statement and this continues to remain relevant.

#### **Condition 4 – Approved Plans**

- 8.7 The outline planning permission fixed the key principles for development on the site, including the height of the buildings in each zone. The parameter plan (1105\_P\_005 Rev. E), Table 4.1 of the Environmental Impact Assessment dated December 2017 and page 11 of the Design and Access Statement dated August 2018 which secured most of the principles were included within Condition 4 – ‘Approved Plans’.
- 8.8. The applicant now wishes to make some small material amendments to the scheme to allow for an increase in height in some of the buildings, revised design principles and improvements to the junction shared with the A41 (Oxford Road).
- 8.9. The reason behind the need to increase the heights of the buildings is to accommodate a change in the end user type: it is now anticipated that the majority of the end users will be ‘lab-enabled’ development; and these type of uses require taller floor to floor heights than more conventional commercial buildings, alongside higher finished land levels (needed to meet modern drainage and SuDS standards).
- 8.10. For completeness, the changes in height for each zone (as set out in Table A of the Planning Statement) would be:

<b>Maximum Building Heights</b>		
	<b>Building Heights Extant Consent</b>	<b>Building Heights Proposed</b>
<b>Zone A</b>	<b>20m</b>	<b>21m</b>
<b>Zone B (Previously Zones B &amp; C under 17/02534/OUT)</b>	<b>16m</b>	<b>21m</b>
<b>Zone D</b>	<b>16m – 20m</b>	<b>21m</b>
<b>Zone E</b>	<b>16m</b>	<b>21m</b>
<b>Zone F</b>	<b>20m</b>	<b>21m</b>

- 8.11. Following a request for further information from Officers, this Section 73 application is now accompanied by a photomontage panorama in addition to wireline drawings and the LVIA.
- 8.12. Prior to the submission of the photomontage panorama, the Council's Landscape Officer had initially raised an objection on the grounds that he was not fully able to make an assessment of the potential impacts. However, after reviewing the additional materials, he has concluded that he is now comfortable that the increase in heights, and the set back from the Oxford Road A41 and Lakeview Drive will not materially impact on the wider landscape character.
- 8.13. His views are that the viewer (visual receptor depending on sensitivity/fleeting views) will experience lessening degrees of 'magnitude of change' and 'significance of effect' because the proposed building facades will be set back in accordance with the approved layout, which in itself will include car parking, landscaping with intervening trees etc, including the intervening vegetation on the A41. For these reasons, he has no objection to the suggested amended increase in heights.
- 8.14. I support these conclusions. Moreover, my view is that the biggest increase in heights occur on Zones B, D and E which are centrally located and will be the least visible buildings from the Oxford Road (A41). Therefore, any visual impact will be relatively modest. On this basis, the proposed changes to the height of the buildings are acceptable and the development, as proposed, would continue to comply with the relevant policies in the Cherwell Local Plan 2015 and the details secured under the outline consent.
- 8.15. The new plans also include a revised phasing plan, revised design principles and a new Highways Design. The phasing plan is revised to reflect the current sequence of reserved matters application submissions and is considered acceptable.
- 8.16. The revised 'design principles', set out in Appendix A of the Planning Statement, are also considered acceptable on the proviso that each subsequent Reserved Matters application provides a robust landscaping scheme.
- 8.17. The revised 'design principles' will retain a green buffer along the northern and western boundaries of the site. Whilst this green buffer is not as deep as the landscape buffer secured under the extant outline consent, it runs a greater length along the A41, which is a significant improvement. It is imperative that a green buffer is retained in this location because it is needed to ensure, not only adequate separation distances between the new buildings and the A41, but also to deliver an attractive landscaped edge to the development site, which will be a key part of a successful development in this location; and to ensure compliance with Policy Bicester 4 of the Local Plan.
- 8.18. The revised design principles will also create an east - west orientated green finger of space that will run through the centre of the site and connect the shared pedestrian/cycle footpath along the A41 with the country park (on the eastern end of the site). This design principle has the potential to be an important amenity space, especially if supported by tangible, comprehensive landscape schemes on the surrounding parcels of land which frame, and, potentially, link up with this green corridor.
- 8.19. Although the previous design principles showed a larger area of landscaping throughout the site, there is an argument to say that, from a practical point of view, those principles may not have been able to deliver as much commercial floorspace, and therefore, as many jobs, as anticipated in policy Bicester 4.

- 8.20. The revised design principles strike a balance between making efficient commercial use of the site allocation whilst also providing an adequate level of landscaping across the site as a whole (taking into account the need for each phase to provide its own comprehensive landscape scheme on an individual reserved matters basis).
- 8.21. Overall, the revised design principles establish a relatively well-conceived framework for guiding future reserved matters applications that will need to pay close attention to the landscape requirements of Policy Bicester 4 of the Local Plan.
- 8.22. The new Highways design has the full support of the OCC Highways and is discussed in more detail in the next chapter of this report.
- 8.23. Officers therefore agree to the variation of Condition 4 to refer to the updated plans.

### **Condition 30 – Highways Design**

- 8.24. Condition 30 of the outline planning permission requires the means of access between the A41 (Oxford Road) and the development site to have been put in place (i.e., fully formed, laid out and constructed and fit for purpose) prior to first occupation of any new building on site, in accordance with approved plan 170211-08 Rev A.
- 8.25. This means of access work has been carried out and completed in accordance with 170211-08 Rev A and is now known as Lakeview Drive. However, whilst the applicant and Oxfordshire County Council have worked together on drafting a s278 agreement post outline consent, it emerged that there was a need for further improvements on the A41 Oxford Road/ Lakeview Drive junctions beyond what was in the original agreed plans. OCC concluded that this work was required in order to align the means of access with the current standards for pedestrian and cycle facilities.
- 8.26. As the OCC Highways Officer notes in his consultation response (dated 29th December 2023), *“this application gives the opportunity to consider the improvements required to the A41 Oxford Road/ Lakeview Drive junction”*.
- 8.27. During the course of the application, there have been a number of different revised ‘Means of Access’ plans and a number of consultation responses which, ultimately, have led to drawing no: LDB-BWB-HGT-XX-SK-C-1002 S1-Rev P4 being submitted.
- 8.28. This plan represents a significant improvement on the consented scheme and what has been built out. Presently, cyclists and pedestrians share the path that runs along the eastern side of the A41 (Oxford Road) all the way up to Lakeview Drive. They then have to cross four lanes and share two refuge islands together.
- 8.29. However, it is now proposed to introduce a lining of tactile paving which will indicate when the shared cycle and pedestrian route along the A41 will split into two individual lanes: one for the cyclists; and the other for the pedestrians. This separation will take place shortly before reaching the outgoing entrance to Lakeview Drive. Cyclists will then head to the right and into the opening of Lakeview Drive, and, following a green signal, will be able to cross Lakeview Drive without the need to stop at an island, thereby crossing the busy junction in a single safe crossing movement.
- 8.30. Pedestrians, at the point of the introduction of tactile paving, will be on the left-hand side of the path and, following a green light, be able to cross utilising just one traffic refuge island, close to the head of Lakeview Drive. This amendment will therefore enable pedestrians to cross Lakeview Drive in two stages rather than the current three stages.

- 8.31. OCC, as the Local Highways Authority, have confirmed that they are satisfied that the proposed variation of condition 30 of planning permission 17/02534/OUT will improve the existing situation on Lakeview Drive. They have also concluded that, subject to a signed Deed of Variation, a Means of Access condition, and a s278 agreement, the proposal will not materially impact the highway network from a traffic and safety point of view.
- 8.32. Officers therefore agree to the variation of Condition 30 to refer to the updated plan.

#### **Condition 34 - Employment floor space limit**

- 8.33. Condition 34 is a restrictive condition which caps the amount of commercial floorspace at 60,000sqm.
- 8.34. This application does not seek to breach the 60,000sqm commercial floorspace limit imposed by Condition 34, it seeks only to increase the height of the buildings and not the amount of floorspace. As noted in one of the chapters above, this increase in height of the buildings is to enable an increased internal floor to ceiling height to accommodate lab-based companies.
- 8.35. Officers therefore agree to the variation of Condition 34 to refer to the updated plan.

### **9. Other Matters**

- 9.1. A variation of condition application, when granted approval, becomes an independent, free standing, planning permission. It is therefore necessary to re-impose the conditions set out in the previous decision notice 17/02534/OUT that have not yet been previously discharged or only partially discharged.
- 9.2. Officers note that some of the planning conditions on the extant outline planning permission (17/02534/OUT) have already been approved. As such the following conditions will be compliance conditions to those agreed details:
- Condition 15 (Contaminated Land – Desk Study) – Discharged;
  - Condition 16 (Contaminated Land – Intrusive Investigation Report) – Discharged;
  - Condition 17 (Contaminated Land – Remediation Scheme) – Partially Discharged – Plot A only; and
  - Condition 22 (Archaeology Scheme of Written Investigation) – Discharged.
- 9.3. A Deed of Variation is also required for this application to ensure that the original S106 agreement remains in place, and that the additional contribution of **£3,652** (towards administering the consultation for a TRO to reduce the speed limit along the A41 between Vendee Drive roundabout and the Esso roundabout from 40mph to 30mph) is captured.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1 Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38[6] of the Planning and Compulsory Purchase Act 2004).
- 10.2 The proposed amendment to the parameter plan under Condition 4 (Approved Plans) and 34 (Employment Floor Space) are policy compliant.

- 10.3 The improvements to Lakeview Drive, secured under the variation of Condition 30, are an enhancement to the outline planning permission. The changes will significantly improve the crossing arrangements for both pedestrians and cyclists.
- 10.4 Having taken account the provisions of the Development Plan, the NPPF and NPPG guidance, the views of statutory consultees and wider stakeholders, as well as all other material planning considerations, the proposed development is deemed appropriate and acceptable and is therefore recommended for approval.

## **11. RECOMMENDATION**

That permission is granted, subject to the following conditions:

### **TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS**

1. No development shall commence on any phase identified within an approved phasing plan until full details of access (insofar as not approved by this decision), layout, scale, appearance, and landscaping (hereafter referred to as reserved matters) of the development proposed to take place within that phase 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 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

2. In the case of the reserved matters, no application for approval shall be made 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 5(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). A longer period is considered appropriate to ensure the development is viable and can progress in phases though should be restricted to eight years to ensure that the assessments made of the development's impacts as part of considering the application are still robust.

3. The development 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 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 (Development Management Procedure) (England) Order 2015 (as amended).

4. Except where otherwise stipulated by condition, the development shall be carried out in accordance with the following plans and documents:

05935-5PA-MP-00-DR-A-9000 Rev A – Location Plan;  
05935-5PA-MP-00-DR-A-9010 – Parameters Plan;

F141 Rev B – Planning Phases Site Plan;  
Proposed Building Heights (see Table A of the Planning Statement);  
The Design Principles set out on in Appendix A of the Planning Statement, dated April 2023;  
LDB-BWB-GEN-XX-SK-C-1002\_Highway Access Plan S1-P4;  
LDB-BWB-HGT-XX-SK-C-1000\_Proposed Highway Arrangement S1 Rev P1;  
LDB-BWB-HGT-XX-SK-C-1001\_Proposed Highway Arrangement S1 Rev P1;  
LDB-BWB-HGT-XX-SK-C-1003\_Oxford Rd/\_Middleton Stoney S1 Rev P1.

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 and Planning Practice Guidance.

5. The development permitted by this planning permission shall be carried out in accordance with the Flood Risk Assessment (FRA prepared by Burohappold Engineering (ref: 040031 Rev. 04 and dated 17/04/18) and the following measures detailed within the FRA:
- Buildings will be located outside the 1 in 100 year including 35% climate change allowance flood extent;
  - There shall be no raising of existing ground levels in the functional flood plain (either within the application site or on the adjoining land shown edged in blue on the submitted site location plan);
  - Finished floor levels at a minimum of 300mm above the 1 in 100 year flood level including 35% allowance for climate change;
  - There shall be no spoil or materials deposited or stored on that part of the application site (or adjoining land shown edged in blue on the site location plan) that the FRA identifies as within Flood Zone 3b.

Reason: To adequately protect the development and its occupants from the increased risk of flooding as well as to prevent an increased risk of fluvial flooding elsewhere and in order to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

#### CONDITIONS REQUIRING INFORMATION TO BE SUBMITTED WITH RESERVED MATTERS

6. All reserved matters submissions relating to a phase shall be accompanied by details of the existing and proposed ground levels as well as finished floor levels of all proposed buildings within that phase. Where the proposed ground and floor level details are approved as part of the reserved matters approval for that phase, the development in that phase shall be undertaken in accordance with those approved levels.

Reason: To ensure that the proposed development is in scale and harmony with its surroundings and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. All applications for approval of reserved matters that provide details of proposed buildings shall be accompanied by information that demonstrates that the buildings will achieve BREEAM 'very good' standard based on the criteria applicable at the date of this decision.

Reason: In the interests of ensuring sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1.

8. All applications for approval of reserved matters relating to a phase shall be accompanied by details of the on-site renewable energy provision to be incorporated into that phase. Development within that phase shall take place in accordance with the approved details of on-site renewable energy provision and no development shall be occupied until the approved on-site renewable energy provision for that phase is operational, and shall be retained as such thereafter.

Reason: In the interests of ensuring that major development takes all reasonable opportunities to operate more sustainably in accordance with the requirements of Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

9. The drainage works shall be carried out and completed in accordance with the approved surface water drainage strategy 082005-CUR-00-XX-DR-C-92010\_P04 and phasing, approved under 23/02299/DISC.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

10. All applications for approval of reserved matters relating to each phase shall be accompanied by details of a surface water drainage scheme for that phase (in accordance with the principles embodied within Sustainable Drainage Systems (SuDS) and the approved surface water drainage strategy for the overall site approved by condition 9). The development shall thereafter be constructed in accordance with the approved surface water drainage scheme and no development shall be occupied within each phase until the approved drainage scheme is completed.

Reason: To ensure that the development does not increase risk of flash flooding in an extreme storm event in accordance with the requirements of Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

11. All applications for approval of reserved matters relating to a phase shall be accompanied by an odour report (produced by an appropriately qualified professional) detailing the measures necessary to minimise the potential for occupants of the development within that phase to experience nuisance caused by the proximity of the nearby Bicester Sewage Treatment Works. The development within each phase shall thereafter be carried out in accordance with the necessary measures set out in the approved odour report for that phase.

Reason: In the interests of ensuring the development is compatible with the existing surrounding land uses in accordance with the requirements of Policy Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.



12. All applications for reserved matters approval relating to a phase shall be accompanied by a biodiversity statement that has regard to the ecological information contained within Appendix B to the Environmental Statement Addendum (June 2018) and shall include an assessment of the ecological implications of development within that phase together with the measures to be incorporated within that phase to help mitigate/enhance ecological interest on the site. Development within the phase must thereafter take place in accordance with the measures contained within the approved biodiversity statement for that phase.

Reason: To ensure that the ecological impact of the detailed phases of the overall development are fully understood and coordinated through an overarching ecological strategy for the site in accordance with the requirements of Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

#### PRE-COMMENCEMENT CONDITIONS

13. The development shall be carried out in accordance with phasing plan F141 Rev B approved under application 23/02299/DISC. Applications for approval of reserved matters shall be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) to which they relate.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Policies ESD15, Bicester 4 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

14. No development shall take place within each phase, with the exception of Phase 1a, as approved under 23/02354/DISC and 23/01711/REM, until a detailed scheme of foul drainage for the development within that phase has been submitted to, and approved in writing by, the Local Planning Authority. The foul drainage scheme shall be completed in accordance with the approved scheme prior to the occupation of any building within that phase and retained as such thereafter.

Reason: To ensure satisfactory drainage of the site in the interests of public health, to avoid flooding of adjacent land and property and to comply with saved Policy ENV1 of the Cherwell Local Plan 1996, Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

15. If contamination is found within a phase by undertaking the work carried out under condition 16, then, with the exception of Plot A (details approved under 23/02299/DISC), no development shall take place within that phase until a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use has been 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 which has been submitted to and approved in writing by the Local Planning Authority. No development shall take place within the phase 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 saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

16. No development shall take place on any phase until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of the following:

- a) The parking of vehicles of site operatives and visitors;
- b) The routeing of HGVs to and from the site;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f) Wheel washing facilities and road sweeping;
- g) Measures to control the emission of dust and dirt during construction;
- h) A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i) Delivery, demolition and construction working hours;
- j) Measures to minimise noise levels during construction;
- k) Risk assessment of potentially ecologically damaging construction activities;
- l) Identification of 'Biodiversity Protection Zones';
- m) Practical measures (both physical measures and sensitive working practices) to avoid or reduce ecological impacts during construction;
- n) The location and timing of sensitive works to avoid harm to biodiversity features;
- o) A timetable for the provision of ecological surveys;
- p) The times during construction when specialist ecologists need to be present on site to oversee works;
- q) Responsible persons and lines of communication;
- r) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- s) Use of protective fences, exclusion barriers and warning signs.

The approved Construction Management Plan shall be adhered to throughout the construction period for that phase of the development.

Reason: To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

17. No development shall take place until:

- a) details of at least one pedestrian connection to be provided into the development from the A41 and;
- b) a consideration of the feasibility for at least one potential pedestrian connection to Bicester Avenue Garden Centre to the south and, if feasible, the position and on-site infrastructure to allow for it together with a timetable for their construction has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of promoting permeable, integrated development that prioritises walking as a mode of travel in accordance with the requirements of Policies Bicester 4, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

18. No development shall take place on any phase that will take access directly from Lakeview Drive until details of the means of access between the land and Lakeview Drive including position, layout and vision splays for that phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of any development in that phase hereby approved, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of ensuring that the detailed access is safe and suitable to comply with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

19. Notwithstanding the submitted Framework Travel Plan, no development shall take place until a revised Framework Travel Plan incorporating a commitment to a robust review mechanism covering the site as a whole has been submitted to and approved in writing by the Local Planning Authority. The development of the site as a whole shall thereafter be occupied in accordance with the objectives approved in the revised Framework Travel Plan.

Reason: In the interests of promoting sustainable modes of travel to and from workplaces in accordance with the requirements of Policies SLE4, ESD1 and Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

20. Prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation, approved under 23/02985/DISC), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation under reference 23/02985/DISC. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

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 (2019). This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

21. No development within a phase shall take place until the land within that phase has been subject to a site walkover survey by a suitably qualified ecologist to ensure that no protected species which could be harmed by the development have moved on to the land 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 within the phase 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. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

22. No development shall take place until a scheme of landscaping and ecological mitigation/enhancement measures as well as a long-term management plan (to include a timetable and who is responsible for the management/ maintenance) in relation to all of the land edged blue to the east of the Superstore as shown on drawing no. 1105\_P\_004 Rev. A. has been submitted to and approved in writing by the Local Planning Authority. The approved landscaping and ecological mitigation/enhancement measures shall deliver a net biodiversity gain which shall be provided/created within the blue edged land prior to the first occupation of any development on the application site and shall thereafter be maintained in accordance with the approved long-term management plan.

Reason: To ensure that the development responds appropriately to the whole of the land allocated through Policy Bicester 4 in order to create a sustainable new business park and to ensure that the development leads to a net gain for biodiversity generally as well as preserves protected and priority species in accordance with the requirements of Policies ESD10 and Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework. This information is required prior to commencement of any development on the appropriate phase as it is fundamental to the acceptability of the scheme.

#### CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE SPECIFIC CONSTRUCTION WORKS TAKE PLACE

23. Full details of the fire hydrants to be provided or enhanced on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any above ground works. Thereafter and prior to the first occupation of the development, the fire hydrants shall be provided or enhanced in accordance with the approved details and retained as such thereafter.

Reason: To ensure sufficient access to water in the event of fire in accordance with Government guidance contained within the National Planning Policy Framework.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE OCCUPATION

24. If remedial works have been identified as required for a phase through condition 15, the development within that phase shall not be occupied until the remedial works have been carried out in accordance with the scheme approved for that phase under condition 15. A verification report that demonstrates the effectiveness of the remediation carried out within the phase must be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any development within that phase.

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 1996 and Government guidance contained within the National Planning Policy Framework.

25. Prior to the first occupation of any development within a phase, details of electric vehicle charging points to be provided within that phase shall have been submitted to and approved in writing by the Local Planning Authority. No occupation of any development within the phase shall take place until the approved measures are in place, available for use and retained as such thereafter.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

26. Prior to the first occupation of any development within a phase, a car park management plan relating to that phase shall be submitted to and approved in writing by the Local Planning Authority. The car park management plan shall include measures to ensure that the car parking areas within the phase are made available solely for use in connection with the use of the development hereby approved and for no other purpose whatsoever.

Reason: To ensure that car travel is not unduly encouraged as a means of accessing surrounding development including the Bicester Village Outlet Shopping Centre and to comply with Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

27. Prior to the first occupation (other than for construction purposes) of any new building the means of access between the public highway (A41) and the development as illustrated in drawing no. LDB-BWB-GEN-XX-SK-C-1002 shall have been fully formed, laid out and constructed such that it is available for use.

Reason: To ensure that the means of access to the development is safe and suitable for the likely traffic volumes in accordance with the requirements of Policy SLE4 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

28. Prior to the first occupation (other than for construction purposes) of any new building, full details of the position of an on-carriageway bus stop (including the provision of markings) shall be submitted to and approved in writing by the Local Planning Authority. The on-carriageway bus stop shall be provided prior to the first occupation of the development hereby approved.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance contained in the National Planning Policy Framework.

29. Prior to the first occupation of a phase that contains the first area of open space to be provided within the site a Landscape Ecology Management Plan (LEMP) for all open space areas to be provided within the site shall be submitted to and approved in writing by the Local Planning Authority. All open space areas shall be managed and maintained in accordance with the approved LEMP thereafter.

Reason: To ensure the maintenance and management of open space areas, to secure a high standard of amenity for the site and 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.

#### CONDITIONS REQUIRING COMPLIANCE FOLLOWING OCCUPATION

30. Within 3 months of the first occupation of any development within each phase, a detailed travel plan relating to the development within that phase shall be submitted to and approved in writing by the Local Planning Authority. The detailed travel plan shall be submitted to accord with the objectives of the revised Framework Travel Plan for the site as a whole approved under condition 19. Thereafter the development within the phase shall take place in accordance with the detailed travel plan approved for that phase.

Reason: In the interests of promoting sustainable modes of travel in accordance with the requirements of Policies SLE4, ESD1 and Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1.

#### ONGOING REGULATORY CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

31. No more than 60,000sqm GEA of employment floor space shall be provided across the site as demonstrated on drawing number 05935-5PA-MP-00-DR-A-9010 titled 'Parameters Plan'.

Reason: To ensure that the significant environmental effects arising from the development are mitigated, as set out in the Environmental Statement, and sustainable development is achieved in accordance with Government guidance contained within the National Planning Policy Framework.

32. Notwithstanding any provisions contained with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any superseding Order, the buildings hereby approved shall be used only for the purposes of uses falling within Classes E(g)(i) and E(g)(ii) as defined in the Schedule to the Town and Country Planning (Use Classes) (England) Order 2015 (as amended) and no more than 15,000sqm (GEA) of floorspace shall at any time be used for purposes falling with Class E(g)(i) and E(g)(ii).

Reason: To ensure the creation of the business park envisaged through Policy Bicester 4 of the Cherwell Local Plan 2011-2031 Part 1 and to ensure that the development is a high density employment generator to prevent unnecessary future development of other land to provide for the employment needs of the town/District.

33. Notwithstanding any provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any Order or Statutory Instrument amending, revoking or re-enacting that order), all water supply, foul water, energy, power and communication infrastructure to serve the development shall be provided underground and retained as such thereafter except where specifically approved otherwise as part of a grant of reserved matters approval for a phase.

Reason: In the interests of ensuring that such above ground infrastructure is not constructed in unsuitable locations on the site where it would be harmful to visual amenity and to comply with Policy ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

34. No removal of hedgerows, trees or shrubs nor any site clearance work (including vegetation removal) 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.

35. No more than 23,000sqm floorspace (GEA) shall be occupied until confirmation has been provided that either:

- all water network upgrades required to accommodate the additional flows from the development have been completed; or
- a building and infrastructure phasing plan has been agreed with Thames Water to allow additional buildings to be occupied. Where a building and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed building and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1.

36. Prior to first use or occupation of the development hereby approved, full details of the shared use path along the southern side of Lakeview Drive between the A41 Oxford Road/Lakeview Drive junction and the Tesco roundabout shall be submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in accordance with the approved details and shall be retained and maintained as such thereafter.

Reason: In the interests of sustainability and highway safety, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework as well as Local Standards.

### INFORMATIVE NOTES TO APPLICANT

1. **Conditions** – the applicant's attention is drawn to the need to comply with all conditions imposed on this permission. Failure to do so could result in the council serving a breach of condition notice against which there is no right of appeal.

Under the Town and Country Planning (Fees for Applications, Deemed Application, Requests and Site Visits) (England) Regulation 2012 there is a fee payable each time you make a request to discharge any of the conditions attached to this permission. You can apply to discharge more than one condition at the same time. At the time of this decision the fee is £34 per request for householder development and £116 per request in all other cases. The fee may be more when you come to apply for the discharge of condition if the Regulations have been amended. The fee is payable when you submit the details to discharge the condition(s). The Council has '1app' forms for such applications, but their use is not mandatory.

**The Council has eight weeks to respond to applications to discharge conditions, so you will need to make your application in good time before commencing development.**

2. **Material Samples** – please note that where any of the above conditions require the approval of materials, material samples are no longer accepted at the Council offices and should in the first instance be left on the application site for the relevant case officer to view and assess in context with its surroundings. Material samples and sample panels should be placed/erected on the site before an application to discharge that condition(s) is submitted.

Should leaving samples on site be impractical then arrangements should be made with the relevant case officer to view samples on site.

3. This permission shall not imply or be deemed to imply approval for the external appearance, design, scale, layout and landscaping of the development as shown in the illustrative plans accompanying the application as these are matters which would be determined as part of the reserved matters for which further consent is required.
4. Attention is drawn to a Deed of Variation dated **5 May 2020** 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.
5. Before granting this planning permission the Council has taken into account the environmental information relating to the development (within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)). With regard to the requirements of Regulation 24 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), the main reasons and considerations on which the decision is based including information about the participation of the public - along with the main measures to avoid, reduce and, if possible, offset the major adverse effects of the development – is contained within the Officer's report to Planning Committee dated 23 August 2018.



6. 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 0300 060 2501.
7. The developer can request information to support the discharge of condition 38 by visiting the Thames Water website at [thameswater.co.uk/preplanning](https://thameswater.co.uk/preplanning).
8. There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If you're planning significant works near Thames Water mains (within 3m) then they will need to check that your development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services Thames Water provide in any other way. The applicant is advised to read their guide working near or diverting their pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>
9. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

Case Officer: Tom Webster

DATE: 29.2.2024

Checked By: Andy Bateson

DATE: 4<sup>th</sup> March 2024

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