



**FOOTPATH DIVERSION ORDER
STATEMENT**

**LAND TO THE NORTH EAST OF
SKIMMINGDISH LANE, BICESTER**

June 2015

Our Ref: Q50411

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1 INTRODUCTION

a) The Order Application

- 1.1 This Report supports an application for the diversion of footpath 272/17, Bicester, Oxfordshire under Section 257 of the Town and Country Planning Act 1990 (as amended by Section 12 of the Growth and Infrastructure Act 2013).
- 1.2 This application is made by Albion Land who have submitted (alongside this order application) an application for planning permission for the development of land to the north east of Skimmingdish Lane, Bicester (here on in referred to as 'the Site') (see **Appendix 1** for the planning application boundary) for a flexible mix of employment uses (Planning Portal Reference PP-04188692).
- 1.3 The remainder of this Report explains the reasoning for this footpath diversion order application i.e. why it is necessary to divert the footpath to facilitate the proposed employment development; provides detail on the existing and proposed footpath (including its routing, dimensions and treatment); before concluding on the appropriateness of the diversion when assessed against the relevant section of the Planning Act.

b) The Application for Planning Permission

- 1.4 The diversion of footpath 272/17 is necessary to enable the carrying out of development on the Site in accordance with the above planning application.
- 1.5 The planning application seeks permission for the development of the Site for up to 48,308 sq m of flexible Class B1c and/or B2 and/or B8 uses with the potential for ancillary Class B1a office use, the point of access into the Site from Skimmingdish Lane and the siting of two employment buildings across the southern portion of the Site.
- 1.6 A full description of the proposed development is provided at **Appendix 2** of this report along with a summary of the planning case.

- 1.7 Footpath 272/17 is currently routed through the centre of the proposed buildings (on the southern portion of the Site) and as such it is necessary to divert the footpath in order to enable the proposed development to take place.
- 1.8 The proposed development which the is subject the subject of the accompanying planning application responds positively to the Site's draft allocation as a strategic employment site under draft Policy Bicester 11 of the emerging Local Plan. Through its delivery the proposed development will assist the Council in realising their economic growth strategy.
- 1.9 A summary of the planning case for the Site's development and how the development accords with adopted and emerging planning policy is set out in **Appendix 2** and is a key consideration in the determination of this order application.

2 THE PROPOSAL

a) Existing Route

- 2.1 Footpath 272/17 currently runs west to east through the Site from its start point on the boundary of the Site with Skimmingdish Lane.
- 2.2 The length of the footpath 272/17 encompassed within the Site, totals 422m and is shown on **Figure 1**.
- 2.3 On exiting the Site, the path curves in a north westerly direction and terminates (as shown on the definitive map) at the edge of the RAF Bicester site.

Figure 1 – Footpath 272/17 Existing Location



- 2.4 The footpath varies in width along its extent (which is not specified on the definitive map). The path comprises an informal gravel and earth track which due to its surface treatment, frequently suffers from water logging (see **Figure 2**).
- 2.5 The Site is currently in agricultural use and as such the outlook for users of the footpath is one of generally limited landscape interest and low ecological value (see planning application supporting documentation for a full assessment of the Site's current character).

Figure 2 – Existing Footpath Condition

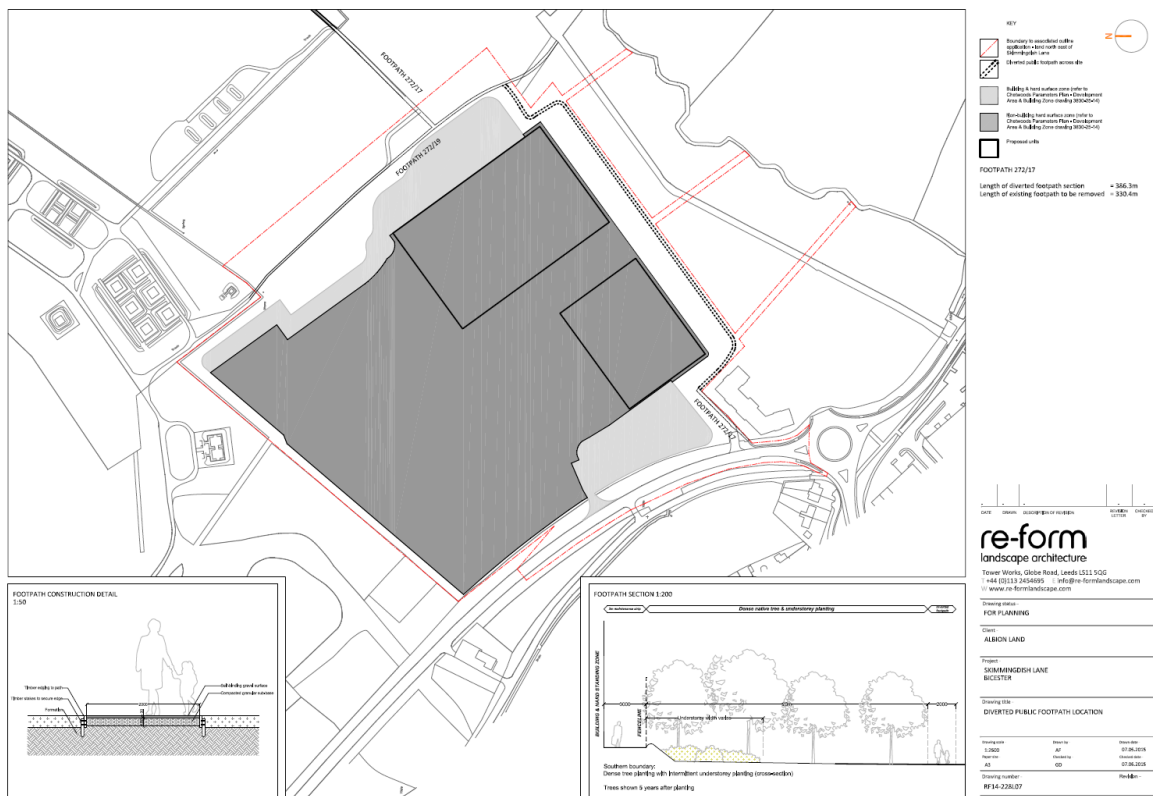


b) Proposed Route

- 2.6 The diversion relates to a 386m stretch of the footpath and has the effect of extending the length of path within the Site from 422m to 551m.
- 2.7 The path is to be retained along its current line from its point of access into the Site from Skimmingdish Lane for 69m before being diverted from the point at which it reaches the north-easterly corner of the care home (currently under construction to the south of the Site).
- 2.8 At this point the path will turn 90 degrees and continue for 52m before turning back (at 90 degrees) to travel a further 266m in a west-east direction.

- 2.9 The path will then turn to travel northwards for 31m before turning to travel easterly to the point at which it joins footpath 272/19 (before re-joining with footpath 272/17).
- 2.10 **Figure 3** shows the proposed, 'diverted' route.
- 2.11 The proposed route has been devised to provide the path of least divergence (from its current route) with the longest section of the path being just 93m from its existing position.
- 2.12 The turns in the path (at right angles) are necessary in order to divert the path around the proposed development and are regarded entirely appropriate in the context of the surrounding landscape. In the form proposed the route replicates the pattern of field boundaries and footways prevalent in the local area, including that of footpath 272/17 and 272/19 which currently adjoin at right angles.

Figure 3 – Footpath 272/17 Proposed Location



2.13 The path is to be 2 meters in width to allow for ease of movement and use by all motilities and is to be constructed from a self-binding gravel surface with a compacted granular sub base (to facilitate drainage and prevent waterlogging). It is proposed to edge the path in timber.

c) Context and Landscape Treatment

2.14 Careful consideration has been given to the positioning of the path relative to the proposed buildings and areas of landscaping to provide an appropriate environment for future users.

2.15 The existing path is situated in close proximity to the care home (to its south) and as such the users already occupy views of the Site's urban edge.

2.16 However, specific attention has been given to softening or screening the proposed buildings from the footpath as far as possible through positioning the path to the south of a landscaping zone (between the path and the proposed development area (see **Figure 3**). For the stretch of path adjacent to the care home, views of the proposed buildings will be further softened through the provision of a landscape mound.

2.17 The relationship between the path and the adjacent development area, including the intervening landscape buffer is shown on **Figure 3**.

3 CONCLUSION

- 3.1 Section 257 of the Planning Act (as amended by Section 12 of the Growth and Infrastructure Act 2013) allows for a competent Authority to, by order, authorise the diversion of a footpath if they are satisfied that an application for planning permission in respect of development has been made and if the application were granted, it would be necessary to authorise the diversion in order to enable the development to be carried out.
- 3.2 An application for planning permission has been made alongside this order application seeking the development of the Site (within which the path is situated) for a flexible mix of employment uses.
- 3.3 Whilst some details of the proposed development have been reserved for later approval with Cherwell District Council, the siting of the two buildings on the south of the site have been fixed. It is therefore entirely necessary to divert the footpath around the proposed buildings in order to allow for the development to be carried out.
- 3.4 In coming to a conclusion on whether or not to issue an order, the determining Authority must consider any disadvantages or loss likely to arise as a result of the diversion to members of the public generally or to persons whose properties adjoin or are near the existing footpath. Any loss or disadvantage (if to be created) should then be weighed against the advantages of the proposed order which in this instance includes, albeit are not limited to, the delivery of one of the Council's strategic employment allocations (see **Appendix 2** for the planning merits of the proposed employment development).
- 3.5 The proposed diversion will maintain access to the area for the general public, albeit on a modified route and seeks a path of least divergence from its current position. The proposed, diverted path will start and finish in the same location with only a limited extension in length.
- 3.6 The attention given to the surfacing of the path and the landscape context in which it is to be set, has the potential to deliver additional betterment to the public through the delivery of a path of appropriate design within an area of improved ecological and landscape diversity.
- 3.7 As such, this diversion is considered to result in no disadvantage or loss to the public and though the provision of landscaping and improved path treatment may result in some benefit. When considered



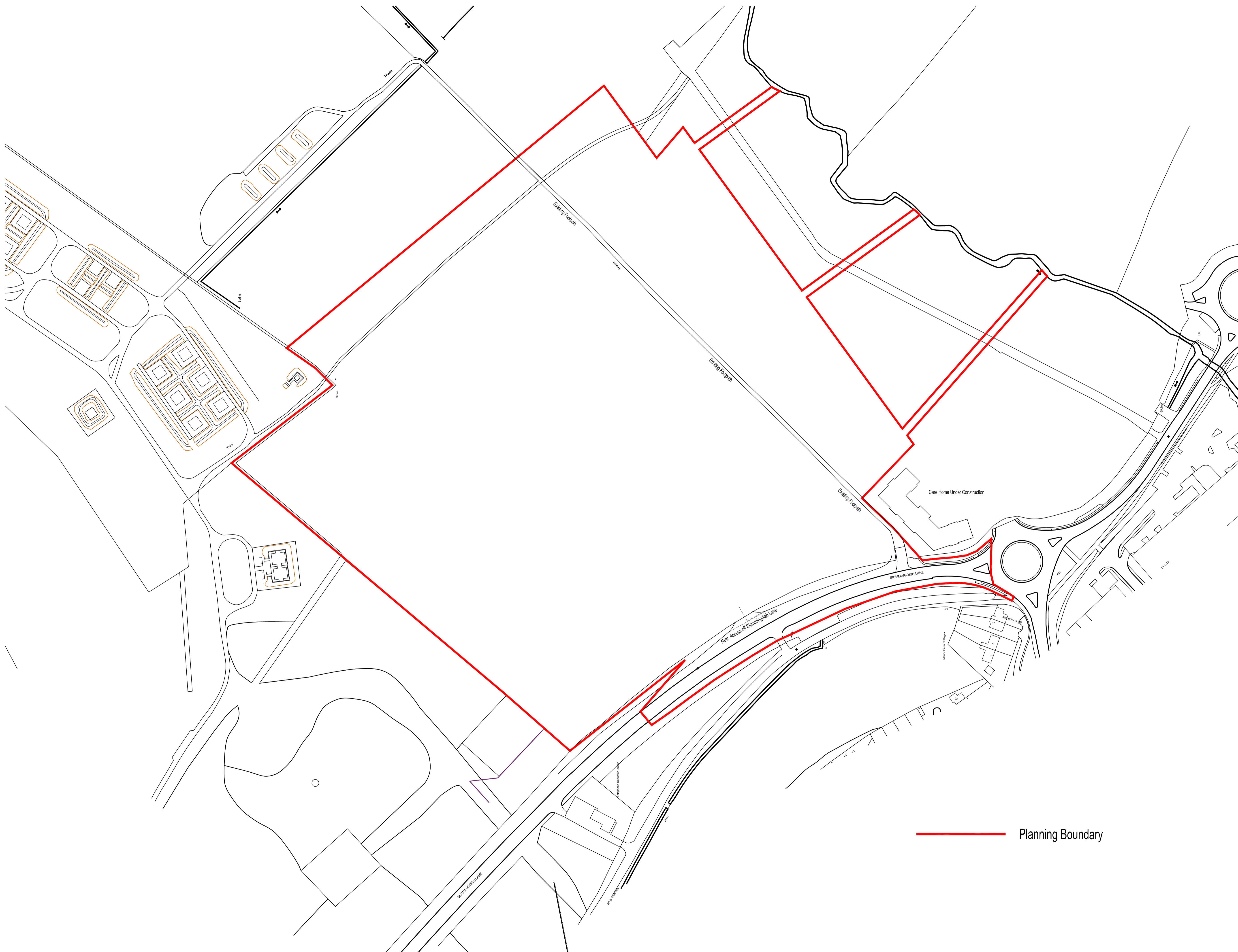
alongside the benefits of the proposed planning application, the proposed footpath diversion is considered entirely appropriate.



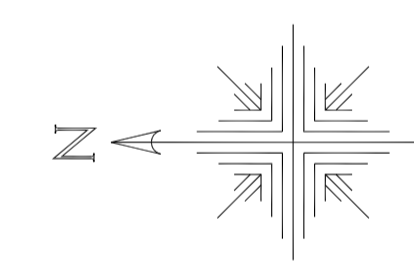
APPENDIX 1

Notes:
Contractors must verify all dimensions on site before commencing any work or other drawings. This drawing is not to be scaled. Use figured dimensions only.
Subject to statutory approvals and survey.

AREAS
Building areas are liable to adjustment over the course of the design process due to the ongoing construction detailing developments.



— Planning Boundary



02 Plan Updated 15.05.15 SM
15/05/15

PROPOSALS

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Project Job Number 3830-sk02
SKIMMINGDISH LANE, BICESTER

ALBION LAND

Drawing Title Drawing Size A1
LOCATION PLAN

Drawn SM	Date May 15	Scale 1/1250	Client 3830
Reviewed by PMJS	Drawing No. 3830-10	Rev. 02	



APPENDIX 2

Planning Application for employment Development

Executive summary To Planning Report

a) Introduction

1. Planning permission is sought for a flexible mix of Class B1c, B2 and B8 employment uses (including ancillary Class B1a office use) on land to the north east of Skimmingdish Lane, Bicester (here on in referred to as 'the Site'). The Site is allocated for such development in the emerging Local Plan in order to help meet Bicester's future economic needs.
2. This Report sets out the key considerations that are material to the determination of this planning application. The application is also supported by a suite of documents which consider the various technical matters relevant to the proposed development.
3. The proposal is for up to 48,308 sq m (GIA) of flexible employment floorspace along with associated servicing and circulation areas, vehicular and pedestrian access from Skimmingdish Lane, and landscaping. The scheme is submitted in outline form with some matters "unreserved" across part or all of the Site (see below).
4. The scheme has evolved in response to specific market demand for flexible employment space and the Site's draft allocation within the emerging Local Plan (draft Policy Bicester 11).
5. Engagement has taken place with local stakeholders and officers at the Council as part of a pre-application process and this engagement has informed the scheme and the form of the application.

b) The Site

6. The Site is located off Skimmingdish Lane to the north east of Bicester. The Site covers an area of approximately 14.45ha and is bound to the east by agricultural land, to the north by a major tree belt and the Former RAF Bicester Airfield beyond, and to the south by agricultural land.
7. Skimmingdish Lane forms the western boundary to the Site from where the proposed vehicular, pedestrian and cycle access into the Site is to be taken.



8. The Site benefits from good access to sustainable modes of travel, including dedicated footpaths and cycle links that run along the southern side of Skimmingdish Lane and high frequency bus services to Bicester Town Centre and beyond.
9. The Site is characterised by agricultural fields of poor (grade 4) quality and is overall of limited ecological value albeit it is divided north-south and east-west by mature hedgerows of some local bio-diversity value. A small area to the far east of the Site forms a proposed extension to the Bicester Airfield Local Wildlife Site; this area is not proposed for development.
10. Part of the north eastern section of the Site is also located within the RAF Bicester Conservation Area which covers the entirety of the RAF Bicester Site located to the Site's north. Close to the Site, and within the Conservation Area is a Scheduled Ancient Monument (SAM). The small portion of the Site which falls within the Conservation Area is to be left free of built development.
11. A care home is currently under construction to the south west of the Site.

c) Proposed Development

12. This application seeks outline planning permission for the development of the Site for up to 48,308 sqm of flexible Class B1c and/or B2 and/or B8 uses with the potential for ancillary Class B1a office use.
13. The siting of two buildings is set across the southern portion of the Site, as is the point of access into the Site from Skimmingdish Lane.
14. Flexibility is sought within the outline planning permission in order to allow for the development to be marketed and 'tailored' to suit the requirements of potential occupiers through later reserved matters application(s). However, in order to allow for a robust assessment to be carried out of the potential impact of the proposed development, a series of development parameters have been set including:
 - i) the maximum floor space across the Site (48,308 sqm);



- ii) maximum building heights (of 16m (floor to ridge) other than on the south western elevation of the Building Zone adjacent to the care home where the maximum height is set at a lower level);
 - iii) Finished floor levels (minimum of 71m and maximum of 72m AOD across the Site);
 - iv) Access and Circulation Areas;
 - v) Development Zones and Building Zones; and
 - vi) Beyond the Building Zones, a set of Landscape Zones.
15. Given the Site's proximity to the RAF Bicester Conservation Area, the SAM and the care home, consideration has been given to the design principles that will be adopted through any reserved matters application(s) and a series of Design Codes have also been set within the application.
16. With the location of two buildings having been fixed across the southern portion of the Site, there is a need to divert a public footpath which currently runs through the centre of where the proposed buildings are to be located. This planning application is therefore accompanied by a footpath diversion order application under Section 257 of the Planning Act to divert the footpath around the proposed development within an area of proposed landscaping to the south.

d) Development Plan

17. The appropriateness of the Site for employment use is well established in planning policy terms and can be traced back to the adopted Cherwell Local Plan (1996) (which currently comprises the Council's Development Plan) in which a significant proportion of the Site is allocated for unfettered employment (B1, B2 and B8) uses. The Local Plan is of some considerable age and was not prepared in the context of the Framework.
18. Given the age of the adopted Development Plan and the draft status of the emerging Local Plan (see below) this application is to be assessed against paragraph 14 of the Framework and the presumption in favour of sustainable development.



19. The Council are well advanced with their new Local Plan for Cherwell which sets out strategic allocations and associated development management policies for the District. The Plan has been through various stages of consultation and underwent Examination by an Independent Inspector in June and December 2014 and can be afforded a good level of weight in the determination of this application.
20. The Site is deemed appropriate by Cherwell District Council (CDC) for employment development having been put forward as a key employment allocation (Draft Policy Bicester 11) within the emerging Local Plan that is capable of assisting the Council in the delivery of their economic growth strategy.
21. Draft Policy Bicester 11 has been the subject of a number of changes through the evolution of the emerging Local Plan. Most recently it was agreed at the EiP (December 2014) that it was appropriate to extend the boundary of the allocation to incorporate land to the north east (including the Conservation Area).
22. It was also agreed at the EiP that no development would take place in the Conservation Area or the proposed extension to the Local Wildlife Site (LWS), which falls partly within the extended allocation.
23. The Council issued some additional Minor Modifications (MM) on draft Policy Bicester 11 in February 2015, although these do not fully reflect the matters agreed at the EiP. The MMs do not propose to amend the boundary of the allocation but recognise that an extended area of landscape outside the Site's boundary (to the north east) would be appropriate to allow for the employment development to be maximised, whilst ensuring the scheme can be assimilated into the surrounding environment.
24. The Inspector (appointed to determine the Local Plan's soundness) is due to report his findings on the Plan imminently, and therefore the Policy is presently in a state of flux, although its objectives and general thrust of delivering strategic employment development in an appropriate form, are not in contention.
25. Regardless of this anomaly, the scheme is consistent with the spirit of the draft Policy and delivers a scale of development that is environmentally appropriate and which will assist the Council in meeting their economic objectives.

e) **Sustainable Economic Development**

26. The proposal is sustainable, deliverable economic development for which there is a National policy presumption in favour.
27. The Site has been deemed entirely appropriate for employment development through various iterations of the Development Plan and continues to be deemed an appropriate and sustainable strategic employment allocation within the draft Local Plan which carries a good level of weight. The Site is recognised by the Council as a strategic employment Site, integral to the delivery of their economic strategy.
28. The proposals meet the three limbs of sustainability, namely economic, social, and environmental.
29. The development responds directly to local market demand within Bicester for high value manufacturing, technology and advanced logistics operators often in the form of HQ style facilities which require buildings with flexible employment consents in order to accommodate their varying functions.
30. The scheme has been developed in direct response to this market and is well set to meet the commercial market demands of the area. There are no constraints on the Site, and the proposal is deliverable and capable of making a meaningful and immediate contribution towards the Council's ambitious economic growth targets. It will assist the Council in addressing the current unsustainable patterns of out-commuting by providing new job opportunities close to existing and new housing growth areas.
31. The development will create in the order of 1,075 new jobs of varying types and skill sets, providing social-economic benefits to the local area.
32. The scheme has been specifically designed to respect the local environment, and whilst in outline, the principles of good masterplanning and design are embedded in the Parameters and Design Codes for which consent is sought.
33. The proposals are sustainably located, being well connected to the Town by foot and cycle ways. The Site benefits from good accessibility to public transport services including buses. The proposed development includes for the provision of shelters at nearby bus stops on Boston Road and improved



pedestrian footways between the Site and the Launton Road roundabout to build upon the current good provision and for a pedestrian crossing on Skimmingdish Lane to the benefit of both future workers at the Site and the adjacent care home.

34. The development will cause no material impact (in either capacity or safety terms) on the surrounding highway network.
35. The proposed development involves the diversion of an existing public right of way, maintaining rights of access to the surrounding area for the enjoyment, health and wellbeing of local people.
36. Consideration has been given to the impact of development on the amenity of the adjacent care home in accordance with the development management principles of draft Policy Bicester 11. The provision of Landscaping including a landscaped mound between the proposed buildings and the care home and the siting of two proposed buildings to the south of the site (thus providing a noise barrier between yard areas and the care home) means that the proposed development can be accommodated within recommended noise levels.
37. The scheme has been designed such that it will not create any material harm to the significance or setting of the Conservation Area and Scheduled Ancient Monument (SAM).
38. The Landscaping Zones and the setting back of the Buildings Zones from the Site's boundaries help to assimilate development into its surroundings and soften or screen the urban edge. When considered as a whole the proposed development can be accommodated without substantial harm to the character of the landscape context or the visual amenity of the local and wider landscape setting. Although the proposed development will change views immediately adjacent to the proposed buildings, this would be the case for any form of new development in this or any other greenfield location and is an effect that has been deemed appropriate through the Site's draft allocation.
39. The Site is generally of limited ecological value. Those hedgerows of some local biodiversity value will be replicated within the boundaries of the Site and opportunities provided for biodiversity enhancement. The proposed development will result in a net gain in biodiversity in accordance with local and National policy objectives.

40. Sustainable Urban Drainage principles are capable of being accommodated on Site and development will not result in any material impacts on flood risk either on Site, or elsewhere.
41. The technical assessments undertaken in support of this application have demonstrated that the proposed development is environmentally appropriate and will not result in any impacts of particular severity that are incapable of mitigation. Where the development has been demonstrated to result in some impact these are to be weighed against the evidential economic, social and environmental benefits of the proposed development which are strong.

f) Conclusions

42. Given the age of the adopted Development Plan and the draft status of the emerging Local Plan this application is to be assessed against paragraph 14 of the Framework and the presumption in favour of sustainable development.
43. The Site has longstanding recognition as an appropriate and sustainable location for a flexible mix of employment uses within Cherwell's Development Plan and is fundamental to the delivery of the Council's economic growth strategy.
44. The proposed development responds positively to the development management principles set out within draft Policy Bicester 11 which carries a good level of weight in the determination of this application.
45. As has been shown throughout this report and the accompanying technical assessments, the proposed development represents sustainable development when assessed against the economic, social and environmental limbs.
46. Any environmental impacts of the development (where they occur) have been shown to be effectively limited through the application of appropriate mitigation (i.e. through the setting of the proposed development parameters) and are not of such to significance to outweigh the strong and evidential benefits that the scheme will deliver.
47. There is no sound planning reason why the development cannot be approved without delay.