
Elmsbrook Local Centre
North West Bicester Exemplar
Cherwell District Council
Planning Statement

Prepared on behalf of A2Dominion Developments Ltd

June 2019

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of A2Dominion Developments Ltd ('the Applicant') ('A2D'). The application, which this statement supports, relates to land at the proposed Elmsbrook Local Centre which covers some 0.67 hectares of land north west of Lords Lane within the Exemplar part of North West Bicester ('NW Bicester') (LPA reference 10/01780/HYBRID) ('the Site') as allocated in the adopted Local Plan. The Site falls within the administrative area of Cherwell District Council ('the Council') ('CDC').

1.2 Full planning permission is sought for:

"Development of a new Local Centre comprising Retail, Commercial and Community floorspace (flexible Use Class A1/A2/A3/B1/D1), with a total GEA of 1,476 sqm, and 38 residential units (use class C3) with associated access, servicing, landscaping and parking."

1.3 The Exemplar phase is the first phase of the wider Masterplan for NW Bicester Eco-Town. Planning permission was granted in July 2012 (LPA Reference 10/01780/HYBRID) for the Exemplar in the northern part of the NW Bicester Eco-Town area ('the Exemplar'). The Exemplar comprises 393 new homes, land for a new primary school as well as local facilities such as shops and a nursery along with the eco-business centre. Full planning permission was secured for the residential element of the planning application and outline permission for the commercial uses, or 'Local Centre'.

1.4 The Eight Schedule (Paras 1.1, 1.2, 1.6, 1.7, 1.15 and 1.17) of the Section 106 Agreement for planning application 10/01780/HYBRID sets out the following obligations in relation to the delivery of the Local Centre, requiring that the developer:

1. Will submit a planning application for the retail store and community hall within 12 months of the implementation of development or by the occupation of 100 dwellings;
2. Will submit a strategy for the marketing of the retail store in conjunction with the planning application for the retail store, or in any event within 12 months of implementation of the development or by the occupation of 100 dwellings;

3. Service and complete the retail store prior to the occupation of 250 dwellings;
 4. Service and complete the community hall prior to the occupation of 250 dwellings;
 5. Service and complete the offices, nursery and the ancillary retail stores prior to the occupation of 350 dwellings;
 6. Ensure the public house is available for use as a public house and market the site for use as a public house until the public house is developed or for no less than five years following completion of the development (whichever is the sooner).
- 1.5 Development commenced on the Exemplar on 28 April 2014. To inform the Local Centre design and to ensure a viable commercial centre, the Applicant appointed Meeson Williams Phillips a local commercial agent (now known as Bidwells). Having reviewed the proposals approved as part of application 10/01780/HYBRID, it became apparent that the quantum and mix of uses would not create a viable/ vibrant Local Centre. Having taken on board advice given by Meeson Williams Phillips, the mix and quantum of proposed uses was adjusted. The proposals, however, fell outside the parameters approved as part of the Exemplar application. A standalone full planning application was therefore submitted (15/00760/F) on 24 April 2015 to satisfy legal obligations for:

“Development of a new Local Centre comprising a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with associated Access, Servicing, Landscaping and Parking with a total GEA of 3,617 sqm.”

- 1.6 The Council granted planning permission for application 15/00760/F on 28 July 2016, alongside a Deed of Variation to the Section 106 agreement (dated 28 July 2016) which carried across the July 2012 Permission to this new consent. The Eco Business Centre, located within the wider Local Centre, was promoted separately by the District Council¹. The Council submitted a planning application on 10 March 2017 for the development of the Eco Business Centre (Use Class B1) (LPA reference 17/00573/CDC) and secured planning permission on 9 June 2017 with the land being transferred by A2D to the Council in August 2017. At this time, it was assumed that further residential development within the masterplan area and north of the railway line (i.e. Application 1, LPA reference 14.01384/OUT), in proximity to the Local Centre, would come forward in tandem with the completion of the Exemplar.

Planning Approach

- 1.7 In addition to the Exemplar phase, A2D promoted the masterplan for the wider site and three further applications, (referred to as Applications 1, 2 and 3 (LPA references 14/01384/OUT, 14/01641/OUT and 14/01968/F)) totalling 3,500 new homes, local centres and community facilities, land for new schools and the new access road and bridge below the railway line. Whilst resolutions to grant were secured, the s106 agreements have not been completed on the basis that the scheme is not viable as evidenced by the implementation of the Exemplar phase. A2D has entered into discussions with the Council as to the viability of the project in respect of Applications 1 and 2 (LPA references 14/01384/OUT and 14/01641/OUT) and to agree a way forward. Whilst the Council agrees that Applications 1 and 2 are not viable, no agreement has been reached as to the extent of the deficit, the reasons for that deficit nor as to the way forward.
- 1.8 Further permissions have been secured by Albion Land Ltd to the south of the railway line at NW Bicester (LPA references 14/01675/OUT, 17/01090/OUT and 17/00455/HYBRID), which include for commercial as well as residential development (both from the Council and on appeal). A further resolution to grant was secured by Himley Village, again south of the railway line at NW Bicester (LPA reference 14/02121/OUT), for 1,700 dwellings, flexible commercial floorspace, social and community facilities, land to accommodate one energy centre and land to accommodate a new primary school. Again, the s106 agreement for Himley Village has not been completed.

¹ The Eco Business Centre was identified in the 2012 planning permission (10/01780/HYBRID) but brought forward by CDC by way of a separate permission.

- 1.9 To date, A2D has completed 171 homes on the Exemplar phase with a further 222 under construction. Given that Applications 1 and 2 (LPA refs 14/01384/OUT and 14/01641/OUT) and the Exemplar phase as a stand-alone scheme are not viable A2D has two options:
- Halt development now and/ or in advance of the 250th occupation;
 - Accept the scheme continues to be unviable and explore whether the revised Local Centre 'offer' can be delivered that meets the aims of the policy.
- 1.10 Notwithstanding the viability deficit, A2D's preference would be to secure permission for a revised scheme and the occupation thereof now, so that the needs of residents can be met and the Exemplar phase can be completed.
- 1.11 As such, in the absence of evidence of any development elsewhere in the masterplan area that would support the Exemplar Local Centre, the Local Centre will serve the Exemplar only for the foreseeable future. Others may well take forward a review of the masterplan and promote further applications within the allocation.
- 1.12 A2D has appointed Bidwells (formally Meeson Williams Phillips) to consider the Local Centre in this context. Having undertaken a review of the approved Local Centre proposals (15/00760/F), Bidwells has advised that the scheme is not commercially viable, there being insufficient demand for the services that the Council seeks or the market can sustain. Accordingly, A2D has sought to amend the terms of the Section 106 to relax the dwelling limitation and to arrive at a further revised scheme that whilst not viable, would be more commercially attractive to A2D and end occupiers. In addition, A2D has reviewed the building performance requirements as imposed by the Council which contribute to the viability deficit, again to reduce the deficit. To date, the Council has not agreed to either. A new planning application is therefore hereby submitted.

Environmental Impact Assessment

1.13 A Environmental Screening report has been prepared in recognition of the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as amended^[1] (the "EIA Regulations"). In accordance with Regulation 6 of the EIA Regulations, the Screening Report contains:

- A plan sufficient to identify the land;
- A description of the development;
- A description of the aspects of the environment likely to be significantly affected by the development;
- A description of any likely significant effects of the Development;
- A description of any mitigation measures envisaged to avoid or prevent what might otherwise have been significant adverse effects on the environment.

1.14 The report accompanies a request to CDC to adopt a screening opinion to determine whether the construction and operation of 'Elmsbrook Local Centre' will not result in significant environmental effects and that EIA would not be required to support the planning application. CDC issued its Screening Opinion on 2 April 2019 (please refer to **Appendix 1**), confirming the proposals did not constitute EIA development, and an Environmental Statement is not required to be submitted with a future planning application.

^[1] SI 2017/571, as amended by SI 2018/695

2.0 APPLICATION SITE AND SURROUNDINGS

- 2.1 A full description of the Application Site and surroundings is set out in the Design and Access Statement. This provides a description of the Site, its characteristics, constraints, opportunities and surroundings.
- 2.2 In summary, the Application Site comprises some 0.67 hectares of land to the north of Lords Lane, north east of the railway line, in the Exemplar site. The Site falls within some 400 hectares of land comprising the NW Bicester Eco-Town. Policy Bicester 1 'Bicester Policy 1: North West Bicester Eco-Town' in the adopted Cherwell Local Plan allocates the Site for a new mixed-use development including 6,000 homes. Since the approval of the Exemplar, land immediately surrounding the Application Site has been subject to residential development by A2D. Surrounding the Site are fields that form part of the wider allocation.
- 2.3 To the south of the Site is Lords Lane which comprises part of Bicester's ring road (A4095). To the east of the Site is Banbury Road (B4100) which links Bicester with Junction 10 of the M40 and surrounding villages in between, such as Caversfield and Bainton.

Designations

- 2.4 There are no Special Areas for Conservation ('SACs') designated either on or adjacent to the Site. Likewise, no part of the Site is identified as either a Special Policy Area ('SPA') nor as a Ramsar site. There are no Sites of Special Scientific Interest ('SSSIs') nor international sites within the Application Site. The nearest SSSI is the Ardley Cutting and Quarry located some 2km to the east of the Site.
- 2.5 The Site is not subject to any national, regional or local landscape or ecological designations. The Environment Agency Flood Map identifies the Site as falling entire within Flood Zone 1.
- 2.6 The Bure Park Nature Reserve, located approximately 750 metres to the south of the site at the closest point, is the designated as a Local Nature Reserve ('LNR').

3.0 PLANNING HISTORY

- 3.1 In July 2012, the Applicant secured planning permission (LPA reference 10/01780/HYBRID) for the Exemplar Site for the following:

“Development of Exemplar phase of NW Bicester Eco Town to secure full planning permission for 393 residential units and an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1)), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined.”

- 3.2 With regard to the Site which is the subject of this application, in July 2016, and as detailed in Chapter 2 above, full planning permission (LPA reference 15/00760/F) was granted for:

“Development of a new Local Centre comprising a Convenience Store (use class A1), Retail Units (flexible use class A1/A3/A5), Pub (use class A4), Community Hall (use class D1), Nursery (use class D1), Commercial Units (flexible use class A2/B1/D1) with associated Access, Servicing, Landscaping and Parking with a total GEA of 3,617 sqm.”

4.0 THE PROPOSED DEVELOPMENT

4.1 Bidwells were instructed to review the Local Centre offer to identify the form of provision that would best meet the market demand for local services and facilities. The planning process can of course only secure the construction of the physical built space and whilst through the Section 106 agreement or condition, the marketing strategy can be agreed, planning cannot secure occupation. The market will determine the occupation of the building(s). The aim must therefore be to promote a Local Centre scheme that offers the best chance of occupation in a manner that meets the policy aims and objectives, which does not fetter the delivery of the wider masterplan as maybe amended or superseded. The advice from Bidwells is therefore to secure as much flexibility as possible. The Local Centre scheme has been designed on this basis. This section provides details of the Proposed Development for which a planning permission is sought. The description of the proposed development is as follows:

"Development of a new Local Centre comprising Retail, Commercial and Community floorspace (flexible use class A1/A2/A3/B1/D1) with a total GEA of 1,476 sqm, and 38 residential units (use class C3) with associated access, servicing, landscaping and parking."

Flexible Commercial, Social and Community Offer

- 4.2 The retail, commercial, social and community ground floor is divided into 3 core areas:
- Unit 1 located on the ground floor, to the north of Charlotte Avenue: 552 sqm (GIA) (flexible use classes D1 and/or A3);
 - Unit 2 located on the ground floor to the south of Charlotte Avenue: 487 sqm (GIA) (flexible use classes A1, A2, B1 and/or D1);
 - Unit 3 located on the ground floor to the south of Charlotte Avenue: 268 sqm (GIA) (flexible use classes A1, B1 and/ or D1).

Residential Offer

4.3 In addition, 38 residential units are proposed on the first and second floors, comprising 100 percent affordable housing (to be secured through a s106 agreement), consisting of the following mix:

- 26 x 2 bedroom four person units (1,828 sqm GIA total);
- 12 x 1 bedroom two person units (642 sqm GIA total).

Parking and Servicing

4.4 In terms of parking and servicing, the scheme comprises:

- 64 car parking spaces, including 6 accessible spaces, 2 'parent and child' spaces and 6 electric charging points;
- 69 staff/ residents cycle parking spaces and 58 public cycle parking spaces;
- The access junctions and internal road network of the Local Centre have been designed to accommodate refuse and emergency service vehicles throughout the site.

Build Standards

4.5 In terms of build standards, the scheme shall achieve the following standards:

- All commercial buildings will be constructed to achieve BREEAM 'Very Good';
- Development as a whole to be zero carbon to be achieved through a range of measures including high performance building fabric, reduced energy consumption, renewable and low energy carbon energy generation.

Reference Scheme

4.6 For the purpose of this planning application and to aid assessment, a ground floor reference scheme has been developed for the Local Centre, providing an example of the mix of land uses that could be accommodated on Site (see Plan ELC2-ADP-00-GF-DR-A-1011-S1-P1 'Reference Scheme – Ground Floor'). This scheme has been submitted as an illustrative proposal only. All supporting technical reports have been prepared based on the reference scheme set out below:

- Provision of 490 sqm (GIA) of floorspace to be used as a nursery (Use Class D1) with an associated garden;
- Provision of 170 sqm (GIA) of floorspace to be used as retail (flexible Use Class A1/ A3/ A5), to be split into two units on ground floor;
- Provision of 447 sqm (GIA) of floorspace to be used as a community hall (Use Class D1);
- Provision of 125 sqm (GIA) of floorspace to be used as a retail (Use Class A3), to be located on the ground floor adjacent to the community hall;
- Provision of 71 sqm (GIA) of floorspace to be used as commercial (flexible Use Class B1/ D1).

Marketing Strategy

- 4.7 As part of this application, a Marketing Strategy is submitted for approval. A2D wishes to secure a long-term tenant(s) for the commercial/retail units that will provide services to meet the needs of residents. The objective of A2D is to secure the right mix of occupiers on pre-lease agreements to fulfil the day-to-day needs at Elmsbrook. The terms of letting will be tailored to meet the needs of local independents as well as national multiples, by reflecting the population numbers and resulting catchment audience, and rent to allow for trading up periods, and at the same time, contributing to the community. A2D's position is that the primary objective is to secure a long-standing operator(s) and that the level of rent and terms of the letting will be determined by this. This will be set out in a Marketing Strategy which it is proposed should be agreed pursuant to a s106 agreement.

Commitment to Implement

- 4.8 Rather than link the delivery of the accommodation to dwelling numbers, the Applicant proposes a positive obligation to deliver within an agreed timeframe, regardless of dwelling completions and to commence marketing accordingly. On the basis that permission is achieved locally, A2D proposes a Section 106 obligation to deliver the approved Local Centre within 36 months of grant of an acceptable planning permission, to provide Officers with certainty that services and facilities would be delivered in a timely manner. This would supersede the obligations linked to dwelling occupations.

5.0 PLANNING POLICY CONTEXT

The Development Plan

- 5.1 Section 38 of the Planning and Compulsory Purchase Act 2004 ('PCPA') requires planning applications to be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise. The Development Plan for this site comprises the Cherwell Local Plan 2011-2031 (Part 1), which was re-adopted on 19 December 2016 following a Court Order and an associated addendum to the Local Plan Inspector's Report.
- 5.2 Material to the consideration of this application are the following policy documents: Planning Policy Statement: Eco-Towns, A Supplement to Planning Policy Statement 1 2009 ('PPS Supplement'), National Planning Policy Framework 2019 ('NPPF') and the NW Bicester SPD (adopted February 2016).

Garden Town Status

- 5.3 Bicester as a whole was awarded Garden Town status by the Department for Communities and Local Government ('DCLG') in December 2014. Bicester met the criteria of being: local authority-led, promoting high quality design, providing at least 10,000 new homes including affordable homes and starter homes, schools and jobs, whilst preserving the countryside.

Planning Policy Statement 1 Supplement: Eco-Towns July 2009

- 5.4 The PPS1 Supplement identified NW Bicester as one of five Eco-Towns across England in July 2009. One of the PPS1 requirements for Eco-Towns (ET13) is:

"Building sustainable communities is about providing facilities which contribute to the well-being, enjoyment and health of people. Planning applications should include a good level of provision of services within the eco-town that is proportionate to the size of the development. This should include leisure, health and social care, education, retail, arts and culture, library services, sport and play facilities and community and voluntary sector facilities."

- 5.5 On 5 March 2015, the Minister of State for Housing and Planning announced in a written ministerial statement that the Planning Policy statement: Eco-towns – A Supplement to Planning Policy Statement 1 is cancelled for all areas except North West Bicester until Cherwell District Council had an up to date Local Plan in place. The PPS Supplement standards have since been adopted into local planning policy (Cherwell Local Plan and the NW Bicester SPD).
- 5.6 NW Bicester is identified as a strategic site in the adopted Local Plan for 6,000 new homes, social and community facilities/ services and employment space (Policy Bicester 1²).
- 5.7 In respect of local centres, Policy Bicester 1 states, inter alia:

"...deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport...

Mixed use local centre hubs to include employment (B1(a), A1, A2, A3, A4, A5, C1, D1 and D2)....

New non-residential buildings will be BREEAM Very Good with the capability of achieving BREEAM Excellent...

The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision. Education, health care, community and indoor sports facilities will be encouraged to locate in local centres and opportunities for co-location will be welcomed. Provision will be proportionate to the size of the community they serve. Each neighbourhood of approximately 1,000 houses to include provision for community meeting space suitable for a range of community activities including provision for older people and young people.

² Cherwell District Council: The Cherwell Local Plan 2011 – 2031 Part 1 (incorporating Policy Bicester 13 re-adopted on 19 December 2016) (20 July 2015) pg. 139.

High quality exemplary development and design standards including zero carbon development, Code Level 5 for dwellings at a minimum and the use of low embodied carbon in construction materials, as well as promoting the use of locally sourced materials.”

North West Bicester Supplementary Planning Document

- 5.8 Standard ET 20 of the PPS1 Supplement envisages each Eco-Town having an overall masterplan which demonstrates how the Eco-Town standards will be achieved. This is reiterated in para C.40 of the adopted Local Plan which states “*a masterplan for the North West Bicester site will be required to demonstrate how proposals will achieve the standards set out in the Eco-Towns PPS and Eco Bicester One Shared Vision. Development will be considered on the basis of a masterplan for the whole development area, to ensure that development takes place in an integrated, coordinated and planned way, whilst recognising that phasing of development within the overall masterplan strategy will be required*”. The North West Bicester Masterplan was submitted to the Council in March 2014, with additional information submitted in May 2014. The Council adopted the masterplan as an SPD in February 2016. The NW Bicester SPD expands upon Policy Bicester 1 of the adopted Cherwell Local Plan 2011-2031 Part 1.
- 5.9 In relation to the delivery of local facilities, and in particular, the Exemplar Local Centre, the SPD also sets out various requirements. Please refer to **Appendix 2** for further information.

- 5.10 The NW Bicester SPD lists masterplan documents supporting the SPD. Amongst others, these include the 'Masterplan Framework (Drawing No. BIMP6 01 Rev B), 'NW Bicester Masterplan Vision and Objectives' document, Economic Strategy and Baseline' and 'Social and Community Infrastructure Strategy'. The 'Masterplan Framework' identifies a local centre in the Exemplar, comprising retail, community and commercial floorspace (land use budget is not set). On page 47 of the 'NW Bicester Masterplan Vision and Objectives' document, the Exemplar is defined as providing 393 new homes, local community centre, primary school, convenience store and eco business centre. Section 6.3 (page 88) states:

"The Centre to the north of the railway line includes a primary school, an Eco Business Centre, a nursery, a community centre, office space, a pub, a small supermarket and other retail uses."

- 5.11 The NW Bicester Land Use' on page 126 does not set a land budget for the Exemplar Local Centre. It is important to note that the Masterplan was submitted after the approval of the Exemplar permission. It was therefore predicated on the basis of that first approved scheme rather than reviewed proposals for the Exemplar Local Centre in light of the wider masterplan proposals.

Oxfordshire Plan 2050

- 5.12 In 2018 the Oxfordshire authorities signed the Oxfordshire Housing and Growth Deal with the government. In return for guaranteed funding for affordable housing, infrastructure and economic growth, the Oxfordshire authorities have committed to submit a Local Plan for each district, to plan for the delivery of 100,000 new homes to 2031 (through those Local Plans) and to produce the Oxfordshire Plan (anticipated to be adopted in March 2021), a Joint Statutory Spatial Plan ('JSSP'). It is anticipated that this will maintain the strategic role of Bicester.

Cherwell Local Plan Partial Review

- 5.13 The Council is in the process of undertaking a Partial Review of the adopted Cherwell Local Plan 2011-2031 (Part 1) to help meet the unmet housing needs of Oxford. Once adopted, it will form part of the statutory Development Plan, to which regard must be given in the determination of planning applications. A2D submitted representations on the Partial Review in October 2017. CDC submitted the Local Plan Partial Review (Oxford's Unmet Housing Need) to the Secretary of State for Housing, Communities and Local Government for formal examination on Monday 5 March 2018. The Council does not intend to review Policy Bicester 1 through the Partial Review. At present, the Local Development Scheme (December 2018) provides for adoption of the Partial Review in May 2019, however, this programme has slipped (Main Hearing dates are yet to be confirmed). Reliance upon the review to address the critical issues facing the continued development of the Exemplar would therefore serve to delay development.

6.0 CASE FOR DEVELOPMENT: LAND USE AND DETAILED MATTERS

6.1 It considering the merit of the Application, we would suggest that the Council should assess the scheme against the policy requirements and other material considerations, including the progress made to date in securing the implementation of the masterplan and the commercial advice as to market demand, as opposed to a comparison with previous consented schemes.

Matters of Principle

6.2 The main planning considerations material to the proposed development are:

- Principle of Development
- Proposed Land Use;
- Job Creation;
- Design.

Principle of Development

6.3 In respect of local centres at North West Bicester, adopted Cherwell Local Plan Policy Bicester 1 'North West Bicester Eco-Town' requires:

1. Mixed use local centre hubs including the following uses B1(a), A1, A2, A3, A4, A5, C1, D1 and D2;
2. Community facilities including leisure, health, social care, education, retail, arts, culture, library services, indoor and outdoor sport, play and voluntary services;
3. Local centre hubs to provide for a mix of uses that will include retail, employment, community and residential provision.

6.4 The NW Bicester SPD expands upon Policy Bicester 1 of the adopted Cherwell Local Plan 2011-2031 Part 1. In relation to the delivery of local facilities, and in particular, the Exemplar Local Centre, para 4.164 of the SPD states:

"Local centres are proposed as part of the mixed use development including small retail units, offices, and community facilities including a nursery, primary school, and public house."

6.5 The SPD goes on to state (paras 4.165 and 4.167):

“The success of the commercial uses will be influenced by the mix of uses and quality of the built and natural environment in the masterplan and spatial framework plan. By locating commercial uses in close proximity to community and educational facilities it is envisaged the masterplan will promote viability and support local services.....

Planning applications should include a good level of provision of services within the North West Bicester eco-town site that is proportionate to the size of the development. This should include leisure, health and social care, education, retail, arts and culture while recognising that the existing town centre will continue to perform an important role as the service centre for the town and surrounding area including major large scale retail and community services such as the new library.”

6.6 The NW Bicester SPD lists masterplan documents supporting the SPD. Amongst others, these include the 'Masterplan Framework (Drawing No. BIMP6 01 Rev B), and the 'NW Bicester Masterplan Vision and Objectives' document. The 'Masterplan Framework' identifies a local centre in the Exemplar, comprising retail, community and commercial floorspace (land use budget is not set). The principle of a local centre including retail, commercial and community uses (including Use Classes A1, A2, A3, B1 and D1) in this location at NW Bicester, has been established through adopted planning policy. Moreover, the principle of a local centre in this location has been further established through the approval of previous planning permissions including the Exemplar permission (reference 10/01780/HYBRID) and the standalone local centre application (reference 15/00760/F). There is no specification of the quantum of land uses.

6.7 The introduction of residential (Use Class C3) as part of a local centre is again in accordance with adopted 'Policy Bicester 1', which states:

“The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision.”

- 6.8 We therefore consider the principle of a local centre, including new homes, in this location at NW Bicester to be in accordance with adopted planning policy including the Cherwell Local Plan and NW Bicester SPD.

Proposed Land Use

- 6.9 The s106 agreement that is attached to the Exemplar phase requires the provision of the retail store and community hall by the 250th occupations and the offices, nursery, pub and ancillary retail stores by the 350th. To date, A2D has completed 171 homes with a further 222 under construction. Notwithstanding the viability deficit previously set out, A2D's preference is to secure permission for a revised local centre scheme and to secure the occupation thereof now, so that the needs of the Elmsbrook community can be met and the Exemplar phase can be completed (reflecting that A2D are not in a position to give certainty on the content and programme for the next phases of development beyond the 393 homes at Elmsbrook). This approach is in accordance with para 4.167 of the NW Bicester SPD which states:

"planning applications should include a good level of provision of services within the North West Bicester eco-town site that is proportionate to the size of the development".

- 6.10 The planning process can of course only secure the construction of the physical built space and whilst through the s106 agreement or condition, the marketing strategy can be agreed, planning cannot secure occupation. The market will determine the occupation of the building(s). The aim must therefore be to promote a scheme that offers the best chance of occupation in a manner that meets the policy aims and objectives, in a manner that does not fetter the delivery of the wider masterplan as maybe amended or superseded. The advice from Bidwells is therefore to secure as much flexibility as possible. Therefore, as part of the revised Local Centre scheme, the commercial offer is:

1. Unit 1: 552 sqm (GIA) (flexible use classes D1 and/or A3);
2. Unit 2: 487 sqm (GIA) (flexible use classes A1, A2, B1 and/or D1);
3. Unit 3: 268 sqm (GIA) (flexible use classes A1, B1 and/ or D1).

- 6.11 Bidwells has prepared a Business Case in support of this Application which justifies the proposed uses within the Local Centre (please refer to Document 15). Bidwells conclude:

“The Elmsbrook Local Centre is part of the initial phase of development at North West Bicester, serving 393 homes when fully built out. By seeking permission for Use Classes A1/A2/B1/D1 washed across units 2 and 3, it allows the internal configuration to adapt to changing occupier demand as the population grows, alongside the commitment by A2Dominion Developments Limited to implementing the Marketing Strategy including initially offering subsidised rates where necessary to secure occupiers.”

- 6.12 Adopted Policy Bicester 1 requires: “*Mixed use local centre hubs to include employment (B1(a), A1, A2, A3, A4, A5, C1, D1 and D2)*”. In addition, policy makes reference to local centres providing a mix of uses that will include retail, employment, community and residential provision. No specific quantum of local centre uses is set out. The adopted SPD also makes reference to local centres at NW Bicester including a range of uses: “*leisure, health and social care, education, retail, arts and culture, while recognising that the existing town centre will continue to perform an important role as the service centre for the town and surrounding area including major large scale retail and community services such as the new library*” (para 4.167). Moreover, the adopted SPD references the ‘Masterplan Framework’ (Drawing No. BIMP6 01 Rev B), and the ‘NW Bicester Masterplan Vision and Objectives’ document. Again, no specific quantum of land use is set out in these documents. The flexible nature of the proposed uses is therefore in accordance with adopted planning policy, as set out Policy Bicester 1 and the NW Bicester SPD.
- 6.13 The proposed uses submitted as part of this Application also allow for the provision of a community hall and flexible retail floorspace which could accommodate smaller occupiers or a convenience store in the future (subject to market interest).
- 6.14 The scheme will secure the land uses required by policy in a format that offers the optimum potential for a beneficial letting. This potential will be enhanced by the marketing strategy to be adopted by A2D and the terms of the letting.

- 6.15 In terms of the residential offer, residential development is encouraged within local centres at NW Bicester. Adopted Local Plan Policy Bicester 1 states:

“The local centre hubs shall provide for a mix of uses that will include retail, employment, community and residential provision.”

- 6.16 The provision of 38 residential flats within the Local Centre is therefore consistent with planning policy. Moreover, the residential offer comprises 100 percent affordable housing. The tenure split includes 16 affordable rent units north of Charlotte Avenue and 22 shared ownership units south of Charlotte Avenue (equating to 42 percent affordable rent and 58 percent shared ownership). The affordable housing offer exceeds planning policy requirements as set out in Policy Bicester 1 and Policy BSC 3 ‘Affordable Housing’ and offers a real tangible benefit. Please refer to the submitted Affordable Housing Statement (Document 3) for further detail on the affordable housing offer.
- 6.17 In reference to the relationship between the proposed community hall and residential units above, adopted Policy Bicester 1 encourages a mix of uses within local centres at NW Bicester, including residential and community uses. Elsewhere, such as Clay Farm within Cambridge, community halls and residential units have been delivered adjacent to one another. At Clay Farm, the scheme was designed to ensure the residential properties above the community uses benefit from the facilities whilst ensuring the residents are not disturbed by the other uses. A clear acoustic strategy was developed alongside careful detailing and compliance with Part E of the building regulations to ensure the comfort and well-being of the residents. The Exemplar Local Centre has been developed to the same principles (please refer to the submitted Design and Access Statement, Document 5). Windows avoid overlooking external social spaces wherever possible. Mechanical ventilation ensures each property is environmentally comfortable and healthy without the requirement to open windows - although openable windows are also proposed.

Job Creation

6.18 ET10 of the PPS1 Supplement requires the following:

“An economic strategy should be produced to accompany planning applications for eco-towns that demonstrate how access to work will be achieved. The strategy should also set out facilities to support job creation in the town and as a minimum there should be access to one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport.”

6.19 This requirement has been taken forward in the adopted Cherwell Local Plan, Policy Bicester 1 and NW Bicester SPD (para 4.70) which require the development at NW Bicester to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public:

6.20 The SPD goes on to state:

“An estimated 1,000 jobs will be provided in the local centres comprising offices, retail/ leisure, health facilities, community halls and community facilities possibly nurseries, care and extra care homes and a hotel. The local centres should also support the growth of the low carbon environmental goods and services sector and encourage sustainable lifestyles through commercial uses such as bike shops and organic cafes.”

6.21 An Economic Strategy has been prepared by Bidwells in support of this planning application (Document 6). In summary, the Local Centre proposals are anticipated to create approximately 361 jobs on site (including the Eco Business Centre) based on the submitted reference scheme. Due to the flexible nature of the proposed retail, commercial and social floorspace, the Local Centre can adapt to changing occupier demand as the population grows. As such, job creation may increase in the future.

- 6.22 There is a need to consider job creation across the masterplan, rather than simply applying the policy aspiration to each and every application. Furthermore, much like the retail offer, planning can only create the platform for employment, it cannot generate employment in itself.
- 6.23 Since the adoption of the masterplan, Albion has secured permission for 53,000 sqm of floorspace (B8 and B2 with ancillary B1) (LPA reference 14/01675/OUT) south of the railway line at NW Bicester. Works on site have commenced. Likewise, the Exemplar school and Business Centre have also been provided.
- 6.24 Taken together it is considered that the Local Centre as proposed will make a valuable contribution to local employment opportunity in a manner that stands the best chance of being realised.

Design

- 6.25 Paragraph 124 of the NPPF states:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”

- 6.26 Furthermore, Paragraph 131 of the NPPF attributes great weight to “*outstanding and innovative design*’ in deciding planning applications”. ET12 of the PPS1 Supplement states that the built and natural environments are an important component in improving the health and well-being of people. Well designed development and good urban planning can also contribute to promoting and supporting healthier and more active living and reduce health inequalities. These principles are embedded in the adopted Cherwell Local Plan (Policy Bicester 1) and NW Bicester SPD (Chapter 5 ‘Design and Character Areas’).
- 6.27 The Site does not fall within a conservation area, nor are any listed buildings within or in close proximity of the Site.

- 6.28 The proposed development would provide a high-quality scheme which compliments the surrounding Exemplar development. Proposals have been informed through a detailed analysis of the Site, including opportunities and constraints, and consideration of the wider landscape and townscape.
- 6.29 The design of the Local Centre is split between two blocks, north and south of Charlotte Avenue. The North block contains Unit 1 with 16 flats above. The South block accommodates Units 2 and 3, as well as 22 flats above. Both elevations provide a vehicle entrance which provide access to car parking and services. The overall scale and massing of the scheme has been informed through the analysis of the immediate and wider context, taking into consideration the Site constraints, opportunities and architecture of the Exemplar phase. The Local Centre is split over ground, plus two storeys, responding to the levels established by the Eco Business Centre and the adjacent three storey apartment blocks on Charlotte Avenue. The Local Centre is located at a key transition point in Elmsbrook. As a result, the Local Centre has been designed to form a gateway into Elmsbrook Local Centre, acting as a key marker point and a place to meet, socialise and gather.
- 6.30 The Design and Access Statement (Document 5), which accompanies this planning application, identifies the opportunities and constraints presented by the existing Site and the local area and how the proposals for the Site have developed in response to these. A detailed review of the evolution of the design approach and the careful consideration given to ensuring that the proposals are appropriate to the character of the area and also that they provide for high quality retail, commercial and residential floorspace that contributes to the NW Bicester Exemplar site.

Matters of Detail

Energy and Sustainability

- 6.31 Policy Bicester 1 of the Cherwell Local Plan and the NW Bicester SPD (Development Principle 2 – “True” zero carbon development and Development Requirement 2 – “True” zero carbon development”) set out required build standards for NW Bicester. Policy Bicester 1 requires new non-residential buildings to achieve BREEAM Very Good with the capability of achieving BREEAM Excellent, high quality exemplary development and design standards including zero carbon development, Code Level 5 for dwellings and the use of low embodied carbon in construction materials, as well as promoting the use of locally sourced materials.

6.32 The NW Bicester SPD Development Principle 2 and Requirement 2 state:

“Development at North West Bicester must achieve zero carbon emissions as defined in this SPD. Each full and outline application will need to be supported by an energy strategy and comply with the definition of true zero carbon development.”

6.33 Para 5.21 of the SPD states:

“Non-residential buildings should be designed to be BREEAM very good with the capability of meeting BREEAM Excellent on occupation of 50% of the development.”

6.34 The Application is accompanied by an Energy Strategy and Sustainability Statement (see Document 8). Discussions have been held with the Council as to the building performance standards to be imposed. The Exemplar phase is predicated on an energy strategy that is now outdated, being based on gas fired CHP. The attainment of true zero carbon generates an additional cost burden and accentuates the loss. A2D propose a scheme which achieves:

- All commercial buildings will be constructed to achieve BREEAM 'Very Good';
- Development as a whole to be zero carbon to be achieved through a range of measures including high performance building fabric, reduced energy consumption, renewable and low energy carbon energy generation.

6.35 As set out in the Executive Summary of the submitted Energy Strategy and Sustainability Statement, the proposed scheme achieves an average reduction in carbon emissions of 15% through the Exemplar design alone, namely the use of passive design measures, active design measures, and a connection to the existing energy centre on Site. Through the use of a rooftop PV, a Zero Carbon emission level can be surpassed for the proposed scheme. Future improvements to the Energy Centre have been evaluated. These scenarios include the replacement of the existing CHP Energy Centre with ASHPs and a replacement Energy Centre powered by waste heat from power stations. These scenarios have been informed by SAP 10 and future carbon usage predictions and show how the scheme's carbon performance will continue to improve past Zero Carbon.

- 6.36 The Sustainability Statement includes BREEAM pre-assessment of the buildings which demonstrates that BREEAM Very Good can be achieved.

Transport and Highways

- 6.37 Reducing the need for residents to travel and improving sustainable travel choices is a key component of the PPS1 Supplement. Standard ET 11.1 aims for eco-towns to be designed to give priority to walking, cycling and public transport using techniques such as filtered permeability, with all homes located within 10 minutes of public transport and neighbourhood services. This is embedded in local policy in Policy Bicester 1 (Cherwell Local Plan) and the NW Bicester SPD (Development Principle 6 – Transport, Movement and Access, Development Requirement 6 – Transport, Movement and Access, Development Principle 6(a) – Sustainable Transport – Modal Share and Containment, Development Requirement 6(a) – Sustainable Transport – Modal Share and Containment, Development Principle 6(b) – Electric and Low Emission Vehicles, Development Requirement 6(b) – Electric and Low Emission Vehicles, Development Principle 6(d) – Public Transport and Development Requirement 6(d) – Public Transport.
- 6.38 Travel plans are to be provided with planning applications which demonstrate how 50% of trips originating from the eco-town can be made by non-car modes (with potential to increase to 60%), how 'transport choice messages' will be provided from first occupation and details of how the carbon dioxide impact of transport will be monitored (para 4.117 of the NW Bicester SPD). Evidence is to be submitted with planning applications for eco-towns to show that the eco development will not increase congestion on existing roads (para 4.122 of the NW Bicester SPD). The Application is accompanied by a Transport Statement (see Document 10), which draws upon previous Transport Assessment documentation relating to the previous planning applications, and a Framework Travel Plan. The Travel Plan for the whole Exemplar development is already approved and this will remain as the Travel Plan for the Local Centre. The submitted Framework Travel Plan (see Document 10) has been prepared in accordance with the approved Travel Plan.
- 6.39 The proposals comprise 64 car parking spaces including 6 accessible spaces, 2 'parent and child' spaces and 6 electric charging points.

- 6.40 The Transport Statement states as per the 2016 full planning permission (15/00760/F), the Local Centre land uses will share car parking spaces on a 90-minute waiting time basis, with efficiencies expected between cross-over of varying peak times and the same ratios of car parking provided as per the Transport Assessment accompanying planning application 15/00760/F. This essentially equates to 24 car parking spaces generally available for the Local Centre land uses. The proposed 64 car parking spaces will readily accommodate this demand, when allowing for up to 38 residents to park at any one time (although more generally in the evening / night time when the Local Centre is mostly closed) (Transport Statement, page 9).
- 6.41 The proposals include 69 staff/ residents cycle parking spaces and 58 public cycle parking spaces. Furthermore, there are bus stops located throughout the NW Bicester Exemplar development. Cycling, walking and public transport are therefore heavily promoted.
- 6.42 The Transport Statement concluded that the forecast traffic from the development is lower than that assessed in the original approvals for the Exemplar and Local Centre (10/01780/HYBRID and 15/00760/F). As a result, no further traffic assessment is required.
- 6.43 In terms of servicing and delivery arrangements, the submitted Transport Statement states the access junctions and internal road network of the Local Centre have been designed to accommodate refuse and emergency service vehicles throughout the Site. All servicing vehicles will be able to enter and exit the Site in a forward gear. Swept path analysis drawings are contained with the Transport Statement (Document 10).

Ecology

- 6.44 Eco-towns are to aspire to deliver a net gain in biodiversity and not result in harm to designated nature conservation sites or SSSI (ET 16.1) with planning application supported by a strategy for conserving and enhancing local biodiversity (ET 16.3). Policy Bicester 1 of the Cherwell Local Plan also seeks development that respects the landscape setting and demonstrates enhancement, restoration or creation of wildlife corridors to achieve a net gain in biodiversity. This Application is accompanied by an Ecology Statement that identifies the biodiversity baseline and enhancements. This has identified that in 2019, the Site comprises hardstanding with occasional areas of rough grassland and tall ruderal vegetation. The Ecology Statement concludes that the opportunity exists under the proposed development to minimise impacts and

subject to the implementation of appropriate precautionary mitigation measures, it is considered unlikely that any future proposals will result in significant harm to biodiversity. On the contrary, the opportunity exists to provide a number of biodiversity benefits as part of the proposals. The Ecology Statement sets out the following enhancements which will assist in securing biodiversity benefits:

1. New Planting;
2. Inclusion of bat boxes;
3. Inclusion of bird boxes;
4. Invertebrate hotels;
5. Green/ Sedum Roof.

Flooding and Drainage

6.45 Standard ET 18.1 aims for eco-towns to reduce and avoid flood risk wherever practicable. There is an expectation in the PPS1 Supplement that all built development within eco-towns will be located within Flood Zone 1, with land within Flood Zone 2 used for open space and informal recreation and no development, except water compatible development, within Flood Zone 3 (ET 18.2). This requirement is set out further in Policy Bicester 1 (Cherwell Local Plan) and the NW Bicester SPD (Development Principle 10 – Water, Development Requirement 10 – Water, Development Principle 11 – Flood Risk Management and Development Requirement 11 – Flood Risk Management).

6.46 A Flood Risk Assessment is submitted in support of the proposals which finds that the location of buildings falls within Flood Zone 1, which is considered at a low risk of flooding, and therefore appropriate for a development of this nature. The Flood Risk Assessment has assessed the feasibility of implementing the SuDS hierarchical approach and has confirmed that this development is likely to be able to install suitable drainage measures into the design proposals. Flood risk to the Site has been assessed, and where risks have been deemed above low, mitigation measures have been proposed to reduce the risk to the Site. Having assessed the other forms of flood risk to and from the Site, this report finds that the Site is not considered at high risk from any other sources of flooding.

Waste

- 6.47 Planning applications for eco-towns are required by Standard ET 19.1 to be accompanied by a 'sustainable waste and resources plan, covering domestic and non-domestic waste'. This application has been developed having regard to the PPS1 Supplement, Policy Bicester 1 in the Cherwell Local Plan and the NW Bicester SPD. A Site Waste Management Plan will be developed to include a sustainable waste and resources plan covering commercial waste and setting targets for residual waste, recycling and landfill diversion. We propose that the Site Waste Management Plan is dealt with by way of a planning condition.
- 6.48 The Contractors selected to deliver the Exemplar Local Centre will belong to the Considerate Construction scheme, and in addition, the Site will be submitted to the BREEAM assessment and award scheme to monitor the developments sustainability through improved environmental quality and social performance.
- 6.49 The commercial units, located at ground floor level of the proposed Local Centre, will be provided with waste and recycling facilities. It is proposed that each block will be provided with dedicated and secured bin stores, separate to the residential offering, and within close proximity to the rear entrances of the units. The bin stores have been design and sized in accordance with BS 5902:2005 Code of practice for waste management in buildings. As such, both bins stores are naturally ventilated, secured and are externally accessed, with level access to remove and store the bins easily. Vehicle tracking has been undertaken to ensure the waste vehicle collection points are within 10m of both bin stores.
- 6.50 Waste and recycling facilities will also be provided specifically for the residents of the Local Centre in the proposed North and South Blocks. Each block is provided with a secured and covered bin store. The area of each store has been calculate using the Oxfordshire County Council 'Bin Choice Calculator'. The North Block bin store provides space for a total of 4no 1100 litre bins (two recycling and two general waste). Similarly, the bin store for the South Block provides area for 6no 1100 litre bins, split equally between general waste and recycling. The bin stores have been located within 30m of each household to comply with Part H of the Building Regulations. Furthermore, vehicle tracking has been undertaken to ensure the bin stores are within the 25m of the waste collection point and can be easily accessed by the waste disposal vehicle. To further comply with Part H, both stores provide level external access and

do not require the bins to be taken through a building in order to reach the collection point.

7.0 DRAFT HEADS OF TERMS AND CORE CONDITIONS

7.1 Please find set out below our proposed draft heads, to inform future discussions with the District and County Council and the drafting of the Section 106 Agreement:

1. A2D proposes a Section 106 obligation to deliver the approved Local Centre within 36 months of grant of an acceptable planning permission, to provide Officers with certainty that services and facilities would be delivered in a timely manner. This would supersede the obligations linked to dwelling occupations in the Eighth Schedule of the Exemplar Section 106 (10/01780/HYBRID) (clauses 1.1, 1.2, 1.6, 1.7, 1.15 and 1.17) which require (1) the delivery of the retail store and community centre by the 250th occupation (2) the offices, nursery and ancillary retail stores prior to the 250th occupation and (3) ensuring the site for the public house remains available for use as a public house. These obligations will be superseded by the positive obligation to deliver the Local Centre proposals as approved as part of this planning application, within 18 months of issue of the decision notice.
2. A Marketing Strategy shall be submitted for approval and reported in the Section 106 Agreement.
3. The affordable housing scheme shall be secured.
4. A financial contribution towards education shall be secured (sum to be agreed between parties).
5. A financial contribution towards health provision shall be secured (sum to be agreed between parties).
6. A financial contribution towards police shall be secured (sum to be agreed between parties).
7. A financial contribution towards sports facilities shall be secured (sum to be agreed between parties).
8. A financial contribution towards waste collection shall be secured (sum to be agreed between parties).
9. An obligation in respect of post occupancy and construction stage monitoring shall be secured.
10. Employment and Residential Travel Plan monitoring contributions shall be secured (sum to be agreed between parties).
11. A financial contribution towards special education and primary and secondary education shall be secured (sum to be agreed between parties).

7.2 We propose the following matters are dealt with by way of planning conditions, the drafting of which is to be agreed between parties:

1. Site Waste Management Plan shall be submitted for approval.
2. A Car Park Management Strategy shall be submitted for approval.
3. A Construction Traffic Management Plan shall be submitted for approval.
4. A Construction Environment Management Plan shall be submitted for approval.
5. Travel Plans shall be submitted by non-residential occupiers for approval.

8.0 SUMMARY AND CONCLUSIONS

8.1 The Section 106 agreement that is attached to the Exemplar phase requires the provision of the retail store and community hall by the 250th occupations and the offices, nursery, pub and ancillary retail stores by the 350th. To date, A2D have completed 171 homes with a further 222 under construction. Given that Applications 1 and 2 (LPA refs 14/01384/OUT and 14/01641/OUT) and the Exemplar phase as a stand-alone scheme are not viable (as demonstrated by A2D and their advisers Turner Morum's Viability Report), A2D has two options:

- Halt development now and in advance of the 250th occupation;
- Accept the scheme continues to be unviable and explore whether the revised local centre 'offer' can be delivered that meets the aims of the policy.

8.2 Notwithstanding the viability deficit, A2D's preference would be to secure permission for a revised Local Centre scheme and to secure the occupation thereof now, so that the needs of residents can be met and the Exemplar phase can be completed. The Council has advised that a review of policy requirements or the variation in the application thereof can only occur through or following a review of the Local Plan. We do not agree.

8.3 As such, in the absence of evidence of any development elsewhere in the masterplan area that would support the Exemplar Local Centre, the Local Centre will serve the Exemplar only for the foreseeable future.

8.4 Bidwells were instructed by A2D to review the Local Centre offer to identify the form of provision that would best meet the market demand for local services and facilities. The planning process can of course only secure the construction of the physical built space and whilst through the s106 agreement or condition, the marketing strategy can be agreed, planning cannot secure occupation. The market will determine the occupation of the building(s). The aim must therefore be to promote a scheme that offers the best chance of occupation in a manner that meets the policy aims and objectives, in a manner that does not fetter the delivery of the wider masterplan as maybe amended or superseded. The scheme submitted as part of this Application will secure the land uses required by policy in a format that offers the optimum potential for beneficial letting. In addition to the commercial and retail units proposed, the scheme proposes 38 residential units to be provided on an affordable housing basis.

- 8.5 It is open to the Council now, in light of the compelling evidence submitted, to be flexible in the application of policy in the determination of this Application.

**APPENDIX 1
SCREENING OPINION**

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Our Ref: 19/00011/SO

02 April 2019

Dear Sirs

Location **North Arcade at Bicester Eco Town Exemplar Site, Charlotte Avenue, Bicester**

Proposal **Screening Opinion – Construction of a nursery; community hall; retail units; commercial units and approximately 40 residential dwellings**

I write with regard to the above application, received on 08 March 2019, which represents a formal request for a Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, as to whether the proposal set out in your submission requires an Environmental Impact Assessment (EIA). This letter constitutes a Screening Opinion of the Local Planning Authority of the proposed development under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Summary of Determination

The Local Planning Authority considers that the proposal represents an 'Urban Development Project' that falls within Schedule 2, section 10(b) of the Regulations. However, the site is part of the Exemplar phase at North West Bicester (10/01780/HYBRID), which was accompanied by an Environmental Impact Assessment. The development proposed therefore also falls under Schedule 2, section 13(b) of the Regulations as it is a change to or extension of development described by section 10(b) of Schedule 2 and that development is authorised and in the process of being executed. The current development proposal would not exceed the applicable threshold in column 2 of Schedule 2 section 10(b) and the development is not within a sensitive area. For the development as changed or extended to be considered an EIA development, it would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. In determining whether the proposals are likely to constitute EIA development, regard has been had to the criteria set out in Schedule 3 of the EIA Regulations 2017. Government guidance relating to EIA as set out in the Planning Practice Guidance (PPG) is also material and has been taken into account. The Local Planning Authority considers that in this case the proposal **is not likely** to have significant environmental effects for the purposes of the EIA Regulations and that

the proposal **is not therefore EIA Development**. An Environmental Statement **is not required** to be submitted with a future application for the reasons set out below.

Reasons for Determination

The site covers an area of 0.66ha and is positioned within the Exemplar phase at North West Bicester (now known as Elmsbrook). Policy Bicester 1 of the adopted Cherwell Local Plan allocates a 390ha site to the North West of Bicester for a mixed use development of up to 6000 homes, employment uses and infrastructure. The land is not within a sensitive area as defined by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 but there are a number of site constraints recorded, including ecological records within proximity.

The application site has been considered through an EIA which was submitted to support the Exemplar phase (10/01780/HYBRID). This granted outline planning permission for this part of the site to be used as a local centre within certain parameters. Following this a full application was made for a local centre (rather than a reserved matters application) because changes were proposed to the land uses to be accommodated within the local centre (15/00760/F). This was screened against the EIA Regulations (2011) and was concluded not to require an EIA although a compliance statement was submitted with that application. Adjacent to the application site, an application was made for the Eco Business Centre (17/00573/CDC) and this was not accompanied by an EIA because the proposal complied with the parameters for this part of the site considered as part of the outline permission and there were considered to be no additional cumulative issues than were previously considered.

By virtue of the location of the site being within the Exemplar phase at NW Bicester, it has been subject to an EIA assessment as part of the overall EIA for that site. It has been assessed for a local centre with various non-residential uses. Development on the site with the use classes altered represents a change to the original development which is authorised and in the process of being developed. To be EIA development, the development as changed or extended would have significant adverse effects on the environment or, if it is a form of development that is mentioned in column 1 of schedule 2, the thresholds and criteria in column 2 of the table, applied to the change or extension would be met or exceeded. The proposal would not exceed the relevant thresholds in the second column of schedule 2 section 10(b); therefore it is necessary to consider whether the development as proposed would have significant environmental effects to consider whether EIA is required.

In respect to the current scheme, the proposals for the local centre are now markedly different in that there is a reduction of commercial floor space and the inclusion of residential development of approximately 40 apartments. A proposal for development on the site, within a range of parameters, has been considered and agreed and therefore this has been taken into account in terms of the cumulative impacts of development within this area of the NW Bicester site.

In this particular case, consideration has been given to the changes between the already committed development and that now proposed as well as the impacts of the development itself as considered through your screening report. In this case and based upon the details within the screening report, which describe that the height of the buildings would not exceed 13.6m (which is the height approved by the 2015 application) and that parking levels are similar to those previously agreed, the built form of the development would appear to be similar in scale and footprint terms to the development approved. The land uses proposed are changed and residential uses are now proposed but the screening report concludes that there are unlikely to be significantly greater impacts than have already been assessed and accepted through the approval of previous applications that cover the site. A Construction Environment Management Plan is identified as mitigation. In terms of cumulative impacts, there are significant proposals for development at North West Bicester however development on the application site has already been committed. In addition the land is part of the development site being disturbed ground and the proposal is unlikely to raise additional cumulative issues, in environmental impact terms, than have previously been considered.

Based upon the above, the Local Planning Authority considers that the change in impact of the scheme would not have significant adverse effects on the environment to justify the provision of a further environmental impact assessment. It is important to note that impacts will require consideration through detailed assessments to accompany any future planning application.

Taking into account the likely characteristics of the changed proposals for the local centre site, its location within a large development site, which is in an area that is not overly sensitive and the types and characteristics of the potential impact, which are unlikely to raise significant environmental effects beyond those that may have arisen via the development permitted, it is considered that there is no requirement for further environmental impact assessment.

This opinion has been made by an appropriately authorised officer at the Local Planning Authority. In accordance with the 2017 Regulations, a copy of this screening opinion has been placed on the Planning Register.

If you have any further queries, please contact the Case Officer Caroline Ford.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'R. J. Dixon', with a long horizontal flourish extending to the right.

For Assistant Director for Planning and Economy

APPENDIX 2
NORTH WEST BICESTER SPD SUMMARY TABLE

SPD Table

North West Bicester Supplementary Planning Document Reference	North West Bicester Supplementary Planning Document Key Extracts	Barton Willmore Commentary
Development Principle and Requirement 1 – Masterplanning and comprehensive development	<p><i>Principle:</i></p> <p>In order to ensure a comprehensive development, all planning applications will be required to be in accordance with the SPD master plan shown in in Figure 10.</p> <p><i>Requirement:</i></p> <p>Planning applications will be:</p> <ul style="list-style-type: none"> • Determined in accordance with the masterplan framework in figure 10 of the SPD;..... • Required to demonstrate the principles and vision set out in the site wide masterplan, and the SPD; 	At the Exemplar Local Centre location, Figure 10 in the SPD shows retail, social/ community and commercial/ business floorspace. Quantum of floorspace is not defined.
Development Principle and Requirement 2 – “True” zero carbon development	<p><i>Principle:</i></p> <p>In accordance with the Local Plan the definition of true zero carbon is that over a year the net carbon dioxide emissions from all energy use within buildings on the eco-town development as a whole are zero or below. It excludes embodied carbon and emissions from transport but includes all buildings – not just houses but also commercial and public sector buildings.</p> <p><i>Requirement:</i></p> <p>Development at North West Bicester must achieve zero carbon emissions as defined in this SPD.</p> <p>Each full and outline application will need to be supported by an energy strategy and comply with the definition of true zero carbon development.</p> <p>Energy strategies should identify how the proposed development will achieve the zero carbon targets and set out the phasing.</p> <p>Use of heat and low carbon energy from the energy recovery facility at Ardley should be explored in the energy strategy. Smartgrid and storage technology should also be investigated.</p>	N/A

North West Bicester Supplementary Planning Document Reference	North West Bicester Supplementary Planning Document Key Extracts	Barton Willmore Commentary
	<p>Applicants will be encouraged to maximise the fabric energy efficiency of buildings.</p> <p>Provision of utilities' infrastructure should be coordinated and support the overarching objective of true zero carbon development.</p>	
<p>Development Requirement 3 – Climate Change Adaptation</p>	<p>Planning applications will be required to incorporate best practice on tackling overheating.</p> <p>Planning applications will also be required to incorporate best practice on:</p> <ul style="list-style-type: none"> • Tackling the impacts of climate change on the built and natural environment including: • Urban cooling through Green Infrastructure (for example, the use of green space and the incorporation of green streets); • Orientation and passive design principles; • Include water neutrality measures as set out in a Water Cycle Study; • Meet Minimum Fabric Energy Efficiency Standards (FEES) • Achieve Code for Sustainable Homes Level 5 (CSH5). 	<p>N/A</p>
<p>Development Principle and Requirement 5 - Employment</p>	<p><i>Para 4.70</i></p> <p>...The end result should be to provide at least as many jobs as new dwellings on the site (within walking or cycling distance) or accessible by public transport within Bicester.</p> <p><i>Principle:</i></p> <p>An estimated 1,000 jobs will be provided in the local centres comprising offices, retail/ leisure, health facilities, community halls and community facilities possibly nurseries, care and extra care homes and a hotel. The local centres should also support the growth of the low carbon environmental goods and services sector and encourage sustainable lifestyles through commercial uses such as bike shops and organic cafes.</p> <p><i>Requirement:</i></p> <p>Employment proposals will be required to address:</p> <ul style="list-style-type: none"> • Accessibility to homes and sustainable transport; • Mixed use development; 	<p>N/A</p>

North West Bicester Supplementary Planning Document Reference	North West Bicester Supplementary Planning Document Key Extracts	Barton Willmore Commentary
	<ul style="list-style-type: none"> • The capability of the building to achieve BREEAM Excellent on occupation of 50% of the development; • Relationship to neighbouring uses so that they do not have an adverse impact on adjacent properties and • The vitality of local centres. <p>Planning applications should:</p> <ul style="list-style-type: none"> • Be supported by an economic strategy; • Demonstrate access to at least one new opportunity per new home on-site and within Bicester; • Present an up to date summary of economic baseline information; • Set out the local economic context and economic links (with a specific focus on jobs and employment land); • Pursue target sectors including high value logistics, manufacturing (including performance engineering) and low carbon environmental goods and services; • Refer to the Cherwell Local Plan evidence base; • Include an action plan to deliver jobs and homeworking, skills and training objectives; • Support local apprenticeship and training initiatives. 	
Development Principle 8 – Local Services	<p><i>Principle</i></p> <p>Planning applications should include a good level of provision of services within the North West Bicester eco-town site that is proportionate to the size of the development. This should include leisure, health and social care, education, retail, arts and culture.</p> <p>Local centres are proposed as part of the mixed use development including small retail units, offices, and community facilities including a nursery, primary school, and public house. The energy centres and other infrastructure and facilities on the site will generate and support jobs within the site. It is important employment areas are easily accessible and well connected to other uses. The location of complementary uses such as cafes, bars and hotels should be convenient to employment facilities on the site to create a vibrant local economy as set out in the economic strategies.</p>	N/A

North West Bicester Supplementary Planning Document Reference	North West Bicester Supplementary Planning Document Key Extracts	Barton Willmore Commentary
	<p>The success of the commercial uses will be influenced by the mix of uses and quality of the built and natural environment in the masterplan and spatial framework plan. By locating commercial uses in close proximity to community and educational facilities it is envisaged the masterplan will promote viability and support local services. Community facilities and social infrastructure including schools will be provided in locations accessible to the new communities and sports and recreational facilities located in close proximity.</p> <p>The distribution of community halls will be spread across the site and perform a different function to help build the new community. Schools shall provide high quality educational facilities with a strong community and sustainability emphasis to embrace the whole community, with facilities for the benefit of the whole community. It is important that the mix of uses does not undermine the role of the town centre.</p> <p>Requirement:</p> <p>Planning applications should include a good level of provision of services within the North West Bicester eco-town site that is proportionate to the size of the development. This should include leisure, health and social care, education, retail, arts and culture while recognising that the existing town centre will continue to perform an important role as the service centre for the town and surrounding area including major large scale retail and community services such as the new library.</p> <p>Local services should be located in accessible locations within walking distances (defined in this SPD) to homes and employment.</p>	
Para 5.21	Non-residential buildings should be designed to be BREEAM very good with the capability of meeting BREEAM Excellent on occupation of 50% of the development.	N/A

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