

Case Officer: Tom Webster

Recommendation: Approval

Applicant: Peveril Securities Limited

Proposal: Reserved matters approval for 23/01080/OUT - Details of access, appearance, landscaping, layout and scale relating to the proposed development of a Class E(g)(i) (formerly B1(a)) office/commercial building and associated development, plus associated car parking

Expiry Date: 30/08/2024

Extension of Time: Yes

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site, which is 0.94ha in size, comprises an almost square shaped parcel of land. It forms part of a wider piece of arable land, which has been allocated in the Cherwell Local Plan 2015 as 'Bicester 4' for the creation of a 60,000sqm office park.
- 1.2. The application site is directly opposite a swale, Mcdonald's car park and Lakeview Drive (a private road that provides access to the wider Bicester 4 site and the Tesco superstore) to the north.
- 1.3. The northern boundary is defined by a grass verge, long grass, small hedging and a centrally located mound. The eastern and southern boundaries form part of a wider field and, as such, do not have any defining characteristics. The western boundary is made up of some low vegetation and the A41 beyond this and then the Kingsmere development.
- 1.4. The site sits outside of a conservation area, it is not near any listed buildings and is inside flood zone 1.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. It is proposed to erect a four-storey building close to the southern boundary of the site and stepped inwards from the western boundary (which fronts the Oxford Road).
- 2.2. The use of the building would have previously been regarded as a 'Use Class B1(a)' development but is now classed as Use Class E(g)(i) following the changes to the Town and Country Planning (Use Classes) Order 1987 (as amended) in 2021.
- 2.3. The total new office/employment floorspace is some 6,660 sq.m (GEA) in area and the applicants' Planning Statement forecasts that this floorspace would generate 435 FTE jobs.
- 2.4. The building would be brick built, rectangle shaped and defined by tall, spaced-out fenestration. The roof will contain a central roof plant which will be screened by a dark grey PCC parapet cladding and grey fencing (final details to be secured and agreed by the Local Planning Authority by planning condition). It will also contain 100m² of solar pv.

2.5. The site would be accessed from an internal Bicester Arc spine road which would connect with Lakeview Drive. The development would make provision for:

- 152 car parking bays, of which 14 would have electric vehicle charging points and 8 would be accessible bays.
- 100 cycle bays (to be provided in a single storey brick-built cycle storage building with a sloping timber framed roof, grey concrete tiled roof, close to the western boundary.)
- A small single storey brick water pumping station with a sloping timber grey concrete tiled roof, which would be located along the southern boundary.
- A single storey bin storage building (with identical design features) close to the cycle provision along the western boundary.
- A single storey brick sub-station with a timber framed, grey concrete tiled, roof, to be located on the south eastern part of the site.

2.6. The car park will be framed by landscaping treatment on all four sides. There will also be the introduction of landscape strips throughout the car park and the planting of an additional 29 trees. A small knee rail fence will follow the parameters of the car park.

3. RELEVANT PLANNING HISTORY

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

23/02399/REM - Reserved Matters approval for 23/01080/OUT - Details of access, appearance, landscaping, layout and scale relating to the proposed development of Class E(g)(i) (formerly B1(a)) office/commercial building and Class E(g)(ii) (formerly B1(b)) Research and Development Units, plus associated car parking- Granted permission on the 28 March 2024

23/01080/OUT - Variation of Condition 4 (approved plans and documents), Condition 30 (highway design) and Condition 34 (employment floor space limit) of 17/02534/OUT relating to the erection of a business park of up to 60,000 sq.m (GEA) of flexible Class B1(a) office / Class B1(b) research & development floorspace (now under Use Class E); associated vehicle parking, landscaping, highways, infrastructure and earthworks (Original Application accompanied by an Environmental Statement) – Granted 4 March 2024

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

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

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

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

4. PRE-APPLICATION DISCUSSIONS

- 4.1. The following pre-application discussions have taken place with regard to this proposal:

21/02913/PREAPP (Submitted on the 6th September 2021) - Development of build to rent (BTR) scheme for 305 apartments; highways and drainage infrastructure to serve BTR scheme and initial phase of business park to include office building/laboratory (5,600 sq.m. net/7,075 sq.m. gross) and amenity building to serve business park and BTR residents together with appropriate car parking. Provision of a scheme for ecological mitigation and enhancement measures in accordance with consent for business park

- 4.2. The applicants requested that the Council did not issue its pre-application advice letter.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a Site Notice displayed near the site on the **7 November 2023**, by advertisement in the local newspaper on the **9 November 2024** and again on the **6th June 2024**, expiring **6 July 2024**. The overall final date for comments was the **27 August 2024** allowing for re-consultations.

- 5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 6.2. Bicester Town Council: No objection, but comments that the proposal is a missed opportunity for the applicant to install a solar roof on this property.

STATUTORY CONSULTEES

- 6.3. CDC Drainage: No objections but subject also to the comments of the LLFA. The detailed surface water management plan accords with the already agreed drainage strategy.

- 6.4. OCC Lead Local Flood Authority: No Comments.

- 6.5. OCC Archaeology: *"Have concerns about the impact the pathways in the south east of the site will have on the regionally significant Mesolithic flint scatter recorded by Network Archaeology in 2007.*

Though the excavation associated with the pathway construction does not reach the level of the archaeological horizon, the compression activity is likely to lead to disturbance of the flint, which appeared to be in situ during the evaluation. It is unclear how large the scatter is; the Network evaluation report suggests the material is similar to that found at Tubney Woods Quarry, where the scatter extended 40-50m. If the paths in this area were changed to be mown grass (or another type of

pathway which does not require excavation/impact) as in other areas of the landscaping, or moved to the north, then this would protect the flint, and mitigation will not be required. Archaeological mitigation of the flint scatter will be required if the paths remain in the currently proposed form.”

Update: The Case officer spoke with the County Council Archaeologist, who confirmed that her note relates to the later Eco-Park stage and not this site. She has no objections to this proposal and no Archaeological condition is required.

- 6.6. CDC Environmental Protection: No Objection – *Having read the odour assessment and associated Air Quality statement I am satisfied with its contents and findings. I agree that the siting of the mechanical ventilation plant should be sited away from the boundary with Bicester STW and that the developers should discuss the site further with Thames Water.*
- 6.7. Environmental Agency: No Comments.
- 6.8. Natural England: No Comments.
- 6.9. Thames Water: No Comments
- 6.10. CDC Landscape: *“The revision A plan is far better than the original one in that the tree pits or trenches are longer and wider and able to hold more growing media to allow the spreading of roots across the length and breadth of the trenches. This will enable the trees to establish better, subject to appropriate maintenance/watering regime of course, and achieving ultimate height and spread. Also providing better amenity, better mitigation of hard elements/surfaces and combatting the urban heat island effect associated with larger car parks.*

The ‘treescape’ in the car park and around Building 1 and the green route is generally acceptable, depending on the appropriate tree species and cultivars and initially sizes supplied by the nursery. The larger ‘impactful’ sizes are generally better on developments such as this as this mitigates the visually ‘harmful’ built form. However there is a trade off here. Large trees are very expensive and even more so if they fail the developer may be reluctant to replace them, and smaller supplied trees will catch up with semi matures in growth rate and spread if the maintenance is good. I am therefore happy with 16 -18 cm girth trees (extra heavy standard) with initial height of 450 – 625. I wouldn’t go any smaller than 14-16 cm girth which is still visually impactful but is still quite resistant to structural damage/vandalism.

I have recommended the addition of another tree in the trench in the car park with an adjustment in spacing to accommodate it – refer to marked up plan (blue dot). Root deflectors will be required.”

- 6.11. Thames Valley Police: **No objection, but suggests Secure by Design and Lighting conditions:** *“I have reviewed the amendments submitted. I maintain some concerns with the proposals in terms of the potential for crime and disorder, and whilst I do not object to this application, I ask that further information is provided and plans amended prior to permission being granted. In order to ensure all opportunities are taken to design out crime from the outset, and to ensure all areas of the development are sufficiently secured to reduce the opportunities for crime and disorder to occur, I ask that a condition be placed upon any approval.*

Landscaping

I am unable to locate an updated hard/soft landscaping plan following amendments to the site layout including vehicular/pedestrian entrances, and ask that this is provided prior to permission being granted.

Parking

I repeat my previous advice as follows;

- All parking spaces should be covered by CCTV to deter crime and aid in the detection and prosecution of offenders. Lighting should be provided to facilitate surveillance and illuminate the entire car park during any hours of use. CCTV systems should be designed holistically with the planting and lighting scheme to ensure no areas of conflict between these different elements.*
- The car parks may be vulnerable to ASB and unauthorised encampments, and the proposed vehicle barrier should be sufficiently robust to prevent unauthorised access to the car park outside of operating hours.*
- The connective footpath running through the centre of the car park introduces vulnerability, providing unhindered access into the car park a sufficient distance away from the occupied building that people may do so unobserved. To minimise opportunities for casual intrusion and theft, I recommend an access controlled gate is added to the northern entrance to prevent unauthorised access.*

Bin and cycle stores

I repeat my previous advice as follows;

- Cycle storage facilities should be covered by CCTV and be lit.*
- Depending on the nature of waste being stored, it may be necessary for the bin stores to have enhanced security secured to LPS 1175 SR2/B3. Enclosures should be fully covered by CCTV.*

Postal deliveries

I repeat my previous advice as follows;

- It is unclear from plans how post deliveries will be managed outside of the buildings opening hours. All buildings should facilitate postal deliveries either via secure external post boxes certificated to DHF TS009, or via through-the-wall post boxes into a container also rated to protect against arson attacks.*

Lighting

I repeat my previous advice as follows;

- I am unable to locate any lighting plans within this application, and ask that they are provided prior to permission being granted or secured via the above or similarly worded condition. Lighting throughout the development should meet the general standards of BS5489-1:2020. Bollard lighting used in isolation is not an appropriate lighting method, and should be avoided. Not only can they be damaged by reversing vehicles and vulnerable to criminal damage, more critically they do not provide sufficient light at the right height to aid facial recognition and reduce the fear of crime. It also does not deter crime and antisocial behaviour.*

- Car parking provision is over and above the standards while cycle parking is insufficient for the scale and type of development
- The provision of EV charging points is unacceptably low - contrary to Policy EVI 8 of Oxfordshire Electric Vehicle Infrastructure Strategy

If, despite OCC's objection, permission is proposed to be granted, then OCC requires prior to the issuing of planning permission to impose planning conditions relating to Electric Vehicle Charging Points, Travel Plan and Information Pack and Construction Traffic Management Plan

OTHER CONSULTEES

- 6.13. Bicester BUG: Bicester Bike Users' Group (BBUG) remains concerned about this application. There has been no engagement by the applicant with BBUG at any stage, and no reference to the Bicester LCWIP (2023 update).

The Bicester LCWIP specifies a crucial link between Lakeview Drive and Graven Hill (BR18) to connect West and South-west Bicester, two areas that are currently inaccessible by foot or bike. As such, the link on the application should be shown as reserved so that a pedestrian and cycle path may be delivered here.

The pedestrian entrance should be widened to provide for both pedestrian and cycle access, given that it will inevitably be used by cyclists in preference to pedalling the long way round in motor vehicle traffic.

The bike parking should be located adjacent to the building entrance to provide accessibility and security, particularly given the advent of more expensive electric bikes. Currently it is located away from the entrance, hidden behind some bins. It would be preferable to replace some of the vehicle parking at the front of the building with cycle parking. Double stacked bike parking is also not recommended because of its inaccessibility. Single stacked bike parking would be better.

The shared path to the south of the office block looks useful to provide pedestrian and bicycle connectivity, but the surface appears to be gravel or other less accessible material. This will only be safe for mountain bikes. A properly bound surface material would be preferable. In addition, this route is likely to provide access from the south / Wendlebury / the Park and Ride site, so cycle permeability would be advisable.

7. RELEVANT PLANNING POLICY AND GUIDANCE

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

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development

- SLE1: Employment Development
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD8: Water Resources
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 - The Character of the Built and Historic Environment
- Bicester 4 – Bicester Business Park

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1: Environmental pollution
- ENV12 - Development on contaminated land

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF, Dec 2023)
- Planning Practice Guidance (PPG)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Landscape
- Transport
- Amenities
- Energy Efficiency and Sustainability
- Drainage
- Biodiversity Net Gain
- Crime Prevention

EIA

8.2. The original application was EIA development, and this is a subsequent application and, for completeness, Officers sought a 'statement of conformity' relating to the ES documents for the site.

8.3. The 'statement of conformity' has undertaken a review of Environmental Statement documents and considered the implications of the proposed development on the conclusions therein.

8.4. For these reasons, the EIA is considered adequate for the purposes of considering the information provided for this reserved matters submission and it has been taken into account in considering this subsequent application.

Principle of Development

- 8.5. Policy Bicester 4 allocates this site, and the surrounding arable fields, for a distinctive commercial development with the aim of providing a gateway into Bicester.
- 8.6. The principle of office/commercial building and research and development use within this parcel of land has also been established by the outline permission 23/01080/OUT, which is in accordance with Policy Bicester 4.

Design

- 8.7. Paragraph 131 of the NPPF states that *‘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.’*
- 8.8. The National Design Guide (September 2019) is also pertinent and explains, through the use of case studies and examples of good practice, how the Government’s expectations for high quality design can be delivered.
- 8.9. Policy Bicester 4 of the Local Plan, as well as requiring any development on this site to comply with the design principles of ESD15, makes clear that any development on the ‘Bicester Arc’ land should achieve a *‘high quality design and finish, with careful consideration given to layout, architecture, materials and colourings and careful consideration given to building heights to reduce overall visual impact’*.
- 8.10. The aforementioned policy ESD15 of the Local Plan opens with:
- 8.11. *“Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District’s distinctive natural or historic assets, delivering high quality design that complements the asset will be essential.”*
- 8.12. Sitting underneath this paragraph is a list of design criteria, including the requirement for new development to be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. This part of the policy adds that development of all scales should be designed to improve the quality and appearance of an area and the way it functions.
- 8.13. The position of the building has been considered given that it is set back with parking to the front. On balance, this arrangement has some similarities to the layout of the Tesco superstore to the north and given that this enables a spacious arrangement around Lakeview Drive and as a good level of landscaping is now proposed within the car park to soften it, I believe the layout to be appropriate and acceptable.
- 8.14. The proposed building comprises 4 storeys with a roof plant on top, partially screened by mesh railings. In design terms, each floor repeats itself up to the top of the building.
- 8.15. On the north elevation, the bricks and fenestration are broken up by an Aluminium curtain wall system with a matt dark grey finish and spandrel panels. This will

provide visual relief and visual interest to the elevation. There will also be a central PPC revolving door in dark grey on the ground floor, providing the entrance into the building.

- 8.16. The brick and window repetition on each floor on the south facing elevation will be broken up by a central combination of a dark grey rainscreen system and a snap header brick feature panels.
- 8.17. The east and west elevations will be made up entirely of bricks and large, rectangular windows. All of the windows, which will be conditioned to be inset, are attractive and of an appropriate size. They will be sub-divided by Aluminium frames in matt dark grey finish.
- 8.18. This mixed elevation treatment and detailing helps to create a strong visual accent for this prominent site and therefore this element of the proposals are supported in design terms.
- 8.19. Sub-stations, water pump houses, and bin and cycle storage space, if designed well, can become design features in themselves; and that is the case here. They are all modest in size, brick built with a couple of different brick patterns, and pleasant timber roofs and grey concrete tile finish. The cycle storage area also contains metal louvres which gives the building an open feel. They are also discreetly located and modest in scale and, therefore, considered to be an acceptable element of the proposal.
- 8.20. My view is that the proposed building, which is set well back from the Oxford Road and Lakeview Drive, will sit well in the immediate context and from vantage points further afield. The combination of good hard and soft landscaping (described further below), varied elevational treatment and its sensitive siting, means that the overall response to the wider context is acceptable in design terms.
- 8.21. For these reasons, the proposal complies with policies Bicester 4 and ESD 15 of the Local Plan and the NPPF (December, 2023).

Landscape

- 8.22. Policy Bicester 4 requires development on the site to provide structured open spaces and planting that provides a strong landscape setting.
- 8.24 Similarly, Policy ESD15 requires new development to take the opportunities available to improve the character and appearance of the area and the way it functions.
- 8.23. Based on the Landscape Officer and Planning Officer comments, made during the application, the applicant has provided amended plans which:
 - Significantly increase the length, width and depth of landscaping along the northern, southern and western boundaries.
 - Increases the landscaping at the entrance to the site by the eastern boundary.
 - Introduces individual landscape strips and strategically placed trees throughout the car park
 - Proposes greater variety of surface materials to provide different colours and tones and create visual interest and a stronger relationship with the buildings and the wider layout.

- 8.24. The Council's Landscape officer has confirmed that he is happy with the revised landscaping proposal. He had requested one additional tree inside the car park; however, I am satisfied that this revised layout not only represents a significant improvement on the previous layout, it will also greatly improve upon the current situation of a fairly sparse site with no central tree coverage.
- 8.25. Moreover, I also consider that the revised layout, where landscaping will be an important feature, relates much better to the Swale to the north of the site.
- 8.26. For completeness, a detailed landscaping plan which shows the types of species and the planting scheme (to be agreed by the LPA) will be secured via condition which is needed to ensure the landscape policy requirements of Bicester 4 are fully achieved.
- 8.27. In short, these changes represent a significant improvement from the original plans and bring the scheme in line with policies Bicester 4 and ESD15.

Highways

- 8.28. Paragraph 115 of the NPPF, December 2023 states that: *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 8.29. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 relates to transport and connections. It sets out that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.
- 8.30. The revised site plan, by way of the substantial increase in green/soft landscaping, has seen a reduction of car parking provision by 78 bays down to 152 bays. I note the OCC Highways officer's comments that this is more than their parking guidance requires (set out in Oxfordshire County Council's 'Parking Standards for New Developments' (2022) which would be 148 bays (a bay for 45sqm of commercial floorspace). As the exceedance is only 4 bays, my view is that the difference is very modest and the parking provision is satisfactory.
- 8.31. OCC Highways raised concerns that not enough electric vehicle charging facilities are being provided. However, an increase in electric vehicle charging points on this site can be secured through condition 25 of the Outline consent 23/01080/OUT.
- 8.32. OCC Highways commented that the cycle parking provision (100 cycle bays) is below the 148 cycle bays requirement in the guidance (1 cycle bay per 45sqm of commercial floorspace). However, this is guidance and whilst the amount is below that guidance this needs to be weighed against the prospect of 435 jobs being created. Moreover, there is scope to increase the number of cycle parking bays on the site if, when the scheme is built and occupied, the demand for cycle parking goes beyond what is provided.
- 8.33. I note Bicester BUG's comments about ensuring that the shared surface path shown along the southern part of the site (which will connect with the Eco-Park) has a robust service treatment to ensure that it can be used by all types of bikes. I agree; and a condition requiring details of the materials to be used (including details of the construction process) will be imposed to ensure that the materials are appropriate for multiple types of cycles and fitted for long-term usage.

- 8.34. I also note Bicester BUG's suggestion that the bike parking should be located adjacent to the building entrance to provide accessibility and security. However, in this instance, my preference is for the bike storage to be as shown on proposed site layout plan F102 Rev B, along the western boundary where it can be screened by landscaping treatment and avoid a cluttered appearance next to the commercial building: the main building would be an attractive, clean looking, standalone building and, I think, installing the bike storage next to it would undermine this effect and lead to a small part of the site appearing unnecessarily cramped. The location is close and would therefore be acceptable.
- 8.35. Bicester BUG have made reference to the updated Bicester LCWIP (2023) which now identifies a potential link between Lakeview Drive and Graven Hill (BR18) to connect West and South-west Bicester. This is noted, but this link would sit outside this particular reserved matters site and would be something to be explored during phase 4, to the north west of this site. The applicants' agent has confirmed that he is happy to talk with Bicester BUG and OCC Highways about possible routes.
- 8.36. Bicester BUG, in their comments, suggested that the pedestrian entrance should be widened to provide for both pedestrian and cycle access, on the grounds that it will likely be used by cyclists (in preference to pedalling the long way round in motor vehicle traffic). However, I do not think there is scope to achieve this without compromising the quality of the landscape treatment and the appearance of the overall site. Also, my understanding is that the traffic flow models for the A41 and Lakeview Drive suggest that the majority of the cyclists working at this site will arrive via the southern shared path to the south of the commercial building. Additionally, as an informative, I have asked the applicants to explore the possibility of removing steps on the northern entrance point into the site from Lakeview Drive. It might not be practically possible, but it is something that can be explored.
- 8.37. Finally, I note that no objection has been received from OCC Highways on highways safety grounds. Therefore, subject to conditions, this aspect of the development accords with Policy Bicester 4 and ESD 15 of the Local Plan (2015) and the NPPF (Dec, 2023).

Amenities

- 8.38. The NPPF identifies, as a core planning principle, that planning should always seek a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.39. This core principle is reflected in Policy ESD15 of the CLP 2011-2031 Part 1, which states that new development proposals should: "*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.*"
- 8.40. Given the significant setback between the proposed building and the existing neighbouring buildings (Tesco's to the north, and residential properties to the west, on the other side of the A41 (Oxford Road), I do not anticipate that this proposal would materially impact on the existing amenities of the neighbours. The height of the building complies with the parameters agreed by the outline permission.
- 8.41. Saved Policy ENV1 of the Cherwell Local Plan 1996 makes clear that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not

unduly affected by development proposals which may cause environmental pollution including that caused by traffic generation.

- 8.42. The Council's Environmental Protection Officer has raised no objections to the proposal on grounds of Air Quality or noise pollution.
- 8.43. Therefore, the proposal accords with Policy ESD15 of the Local Plan 2015, Saved Policy ENV1 of the Cherwell Local Plan 1996 and the NPPF (December 2023).

Environmental Efficiency

- 8.44. Planning plays a vital role in ensuring that developments minimise their contribution towards climate change. This is recognised by the Government and why one of the NPPF's core principles is that *"the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure (paragraph 157)"*.
- 8.45. Cherwell District Council is committed to tackling climate change. For many years Cherwell District Council has been at the forefront of developing and implementing robust and innovative planning policies and standards to tackle climate change. In July 2019 it declared a Climate Change Emergency.
- 8.46. When the 2011-2031 Local Plan was adopted, it strengthened previous planning policies relating to energy in order to ensure that the Council continues to take a robust and ambitious approach to minimising carbon emissions in the district, which is why policies ESD 1 – 5 were introduced.
- 8.47. Moreover, Policy Bicester 4 of the CLP 2031 Part 1 expects development on the allocation to demonstrate climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD 1-5. Policy ESD5 of the CLP 2031 Part 1 requires new commercial development of over 1000sqm floorspace and for new residential development for 100 dwellings or more to provide a feasibility assessment of the potential for significant on-site renewable energy provision. This is expected to then be provided if it is shown to be deliverable and viable. Policy ESD4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to consider whether District Heating/ Combined Heat and Power could be incorporated.
- 8.48. Policy ESD3 of the CLP 2031 Part 1 requires that all non-residential development will be expected to meet at least BREEAM 'Very Good' standard. It also requires development to reflect high quality design and environmental standards and for water, it is expected that a higher level of water efficiency than required by the Building Regulations be sought (this applies to residential uses too).
- 8.49. The application is accompanied by a BREEAM Pre-Assessment Report (prepared by BRE Global Ltd). The reports set out the credits that are to be achieved and concludes that, overall, a Very Good rating will be achieved by the proposed development.
- 8.50. The application is also accompanied by an Energy & Sustainability Statement (prepared by CPWP) which concludes that through the use of Air Source Heat Pump technology (in the form of VRF systems) and, later on in the construction

process, 100sqm of Solar PV, the total carbon reduction is approximately 37% over current building regulations, when compared against the notional benchmark building.

- 8.51. Accordingly, the development's sustainability strategy is in line with the Local Plan policies Bicester 4 and ESD 1 – 5, and the NPPF. The information is also sufficient to comply with conditions 7 and 8 of Outline consent 23/01080/OUT and will be secured by condition to ensure the sustainability strategy is implemented.

Drainage

- 8.52. Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1, which promotes sustainability in water use, states that development will only be permitted where adequate water resources exist, or can be provided without detriment to existing uses. Policy ESD6 relates to sustainable flood risk management and Policy ESD7 relates to the use of sustainable drainage systems (SUDs).

- 8.53. The Drainage Strategy for Bicester Arc (082005-CUR-XX-XX-DR-C-92010_P04 - Site Wide Drainage Strategy Plan – as attached) has already been approved on the 22 Feb 2024 through the discharge of Condition 9 of 17/02534/OUT (LPA Ref: 23/02299/DISC). Moreover, in the subsequent s73 approval (LPA ref: 23/01080/OUT, varying 17/02534/OUT), Condition 9 of that permission was amended to a compliance condition, in accordance with this approved plan. For the ease of reference, the wording of that condition is set out below:

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

- 8.54. The details approved show the outfall for each part of the site and the points of connection on a high level but do not show the detailed arrangement for each parcel. Condition 10 of Outline consent 23/01080/OUT requires for details of the drainage measures for each individual phase to be submitted to the Local Planning Authority as part of a reserved matters application. In this instance, the applicants' position is that, until they have an occupier lined up for the commercial building on this site, they will not know the final details of the drainage measures.
- 8.55. The applicants have, however, submitted an indicative Drainage Strategy Technical note, dated August 2024. The Council's Drainage officer has raised no objections, noting that it accords with the already approved overarching drainage strategy and subject to the comments of the LLFA (who have not commented).
- 8.56. Ordinarily, in line with the requirements of Condition 10 of the extant outline consent, the Council would expect the precise details of the drainage for this phase to have been secured as part of this reserved matters submission. The indicative drainage strategy the applicants have submitted is helpful, though, and, given that the Council's drainage officer is content with the principles set out in it, I am comfortable that the final drainage details for this particular phase can be secured by a pre-commencement condition.
- 8.57. Oxfordshire County Council, as the Local Lead Flood Authority, were also consulted. Although no comment has been received, as these plans are indicative only, their drainage officers will have the opportunity to comment on the detailed drainage strategy for this site when the discharge of condition application is submitted. As noted above, no development on the site can take place until that condition has been discharged.

8.58. Therefore, this aspect of the proposal is in accordance with policies ESD6, ESD7, ESD8 and Policy Bicester 4 of the Local Plan. The information submitted is sufficient to ensure compliance with conditions 9 and 10 of Outline consent 23/01080/OUT subject to the securing of additional information by condition.

Biodiversity Net Gain

8.59. With regard to Biodiversity Net Gain, the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.

8.60. Policy ESD10 of the CLP 2031 Part 1 also requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. To this end, the Council would be keen to ensure that all opportunities to incorporate measures to enhance biodiversity are designed into the proposals. A 10% net gain should be the target and this has since become a mandatory requirement for new applications post February 2024 (April 2024 for non-major proposals).

8.61. This development, in conjunction the Eco-Park, will achieve an overall BNG of 11%. The wider masterplan, as each parcel is developed out, will lead to an increased BNG percentage, although the final total is not known at this stage.

8.62. Therefore, the proposal complies with Policies Bicester 4 and ESD10 of the CLP 2031 Part 1 and the NPPF. The information submitted is sufficient to ensure compliance with condition 12 of Outline consent 23/01080/OUT.

Crime Prevention

8.63. The Thames Valley Police Designing Out Crime Officer strongly recommends that any application incorporates security measures outlined in the guidance of Secured by Design – Commercial 2023. This will be secured via condition. This is to ensure that all new commercial development and associated parking facilities are designed in accordance with the requirements laid out in this guidance.

8.64. The Thames Valley Police Designing Out Crime Officer also requested further sight of a final soft and hard landscape plan and a lighting plan. Both of these plans will be secured by pre-commencement conditions.

Other Matters

8.65. Whilst noting that Bicester Town Council did not object to the proposal they commented that there is a missed opportunity to deliver a solar roof. The applicants are proposing a 100sqm of solar pv on the roof which is a welcome addition and will help contribute to the building delivering a carbon reduction of 37% over the current building regulations.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 9.2. The proposal sits within the 2024 outline consent (23/01080/OUT) and has been developed in line with approved parameter and phasing plans, site wide strategies and the overarching site allocation policy. It has also evolved further through detailed discussions with technical officers at the local authority. Through assessment of the application, and the significant amendments made it is considered that the proposal complies with the approved development plan and is, therefore, recommended for approval.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

Approved Plans

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

F102 Rev C – Site Layout
F100 - Plot 1 Office Site Location Plan
A101 Rev B – Proposed Elevations
A102 Rev B - Office Levels 0 and 1
A103 Rev B - Office Levels 2 and 3
A104 Rev B - Office Roof Plans and sections
A107 - Cycle Store and Bins
A108 - Building Water and Pump Building
A109 - Sub Station Building
A110 Rev B - Office Elevation Details
Energy Statement: Bicester Arc Office, Rev E
BREEAM Pre Assessment, dated 25 September 2023

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

Sample of Materials

2. No development of the building and associated structures above slab level, with the exception of underground enabling works, shall take place until samples including sample panels of the materials to be used in the construction of the external surfaces has been prepared on site for inspection and approved in writing by the Local Planning Authority. The samples and panels shall be at least 2.5m x 2.5m and show the proposed palette of materials (including plant screening, metal cladding, brickwork/masonry, etc.) to be used in the development. The development shall be constructed in accordance with the approved samples, which shall not be removed from site until the completion of the development.

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

Surfacing Materials

3. No development above slab level shall commence until details (including

construction) of the southern path with the Non-Permeable Concrete Pavings, as shown on F102 Rev C, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, this path shall be provided prior to first occupation of the proposed office building and shall be permanently retained and maintained.

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

Travel Information Pack

4. Prior to the first occupation of the development a Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the employees of the proposed office building shall be provided with a copy of the approved Travel Information Pack.

Reason – To ensure all employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Lighting

5. Prior to the first occupation of the development, an external lighting scheme (including management and maintenance) shall be submitted to and approved in writing by the Local Planning Authority. External lighting shall be implemented in accordance with the approved scheme prior to the first occupation of the development.

Reason: To enable the Local Planning Authority to retain planning control over the development of this site, and to protect biodiversity in accordance with Policies Bicester 4 and ESD10 of the Cherwell Local Plan Part 1 2011-2031, Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping

6. A scheme for landscaping the site shall be submitted to and approved in writing by the Local Planning Authority which shall include:-

(a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),

(b) details of the existing trees and hedgerows to be retained, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation, including details of their protection during development

(c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas, the northern footpath gradient and steps.

Such details shall be provided prior to the development progressing above slab level or such alternative time frame as agreed in writing by the developer and the Local Planning Authority. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

7. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity in accordance with Policies ESD10 and ESD13 of the Cherwell Local Plan Part 1 2011-2031 and Government guidance within the National Planning Policy Framework.

Bat and Boxes

8. Details of bird and bat nesting boxes/ bricks shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development above slab level. The details shall include the exact location, specification, and design of the habitats. The boxes / bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes/ bricks shall be installed strictly in accordance with the details so approved, and shall be maintained as such thereafter.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Secure by Design

9. Prior to the commencement of development above slab level, an application shall be made for Secured by Design Commercial accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the Local Planning Authority.

Reason: To protect the security and safety of the future occupiers.

Windows inset

10. Details of the window reveals on the commercial building, which shall be a minimum of 100mm deep, shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the development above slab level. The development shall thereafter be completed in accordance with the approved details.

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

contained within the National Planning Policy Framework.

Removal of Permitted Development Rights

11. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, fence or other means of enclosure shall be erected, constructed or placed on the site (other than those shown in the approved plans) without the express planning consent of the Local Planning Authority.

Reason - To ensure that satisfactory provision for vehicular turning within the site is maintained in the interests of highway safety and to ensure the satisfactory appearance of the development, in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Drainage Details

12. Before any above ground works commence a scheme for the provision and implementation of surface water drainage, based upon the principles of sustainable urban drainage systems, has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the building hereby approved.

Reason: To ensure satisfactory drainage of the site in the interests of achieving sustainable development, public health, to avoid flooding of adjacent land and property to comply with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

Informative

Opportunities should be taken to explore the possibility of creating a shared cycle and pedestrian access surface from Lakeview Drive into the site.

Planning Note

EIA Subsequent application

Attention drawn to outline permission

Case Officer: Tom Webster

DATE: 30.8.2024

Checked By: Caroline Ford

DATE: 30 August 2024
