

# Public Document Pack



**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**Committee: Planning Committee**

**Date: Thursday 12 January 2023**

**Time: 4.00 pm**

**Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA**

## **Membership**

### **Councillor George Reynolds (Chairman)**

Councillor Andrew Beere  
Councillor John Broad  
Councillor Colin Clarke  
Councillor Ian Corkin  
Councillor David Hingley  
Councillor Fiona Mawson  
Councillor Lynn Pratt  
Councillor Dorothy Walker

### **Councillor Maurice Billington (Vice- Chairman)**

Councillor Rebecca Biegel  
Councillor Hugo Brown  
Councillor Jean Conway  
Councillor Ian Harwood  
Councillor Simon Holland  
Councillor Richard Mould  
Councillor Les Sibley  
Councillor Bryn Williams

## **Substitutes**

Councillor Mike Bishop  
Councillor Gemma Coton  
Councillor Sandy Dallimore  
Councillor Ian Middleton  
Councillor Angus Patrick  
Councillor Fraser Webster

Councillor Phil Chapman  
Councillor Nick Cotter  
Councillor Matt Hodgson  
Councillor Adam Nell  
Councillor Douglas Webb  
Councillor Barry Wood

## **AGENDA**

### **1. Apologies for Absence and Notification of Substitute Members**

### **2. Declarations of Interest**

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting.

### **3. Requests to Address the Meeting**

The Chairman to report on any requests to address the meeting.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

**4. Minutes (Pages 5 - 39)**

To confirm as a correct record the Minutes of the meeting of the Committee held on 8 December 2022.

**5. Chairman's Announcements**

To receive communications from the Chairman.

**6. Urgent Business**

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

**7. Proposed Pre-Committee Site Visits (if any)**

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

## **Planning Applications**

**8. Land North West Bicester Home Farm, Lower Farm and SRG2, Caversfield**  
(Pages 42 - 122) **21/01630/OUT**

**9. Unit 6, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN**  
(Pages 123 - 143) **22/02647/F**

**10. Unit 7, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN**  
(Pages 144 - 174) **22/01683/F**

**11. Oxford Technology Park, Langford Lane, Kidlington** (Pages 175 - 204)  
**21/02278/F**

**12. Salvation Army, Swan Close Road, Banbury, OX16 5AQ** (Pages 205 - 214)  
**22/03224/F**

## **Review and Monitoring Reports**

**13. Appeals Progress Report** (Pages 215 - 222)

Report of Assistant Director Planning and Development

**Purpose of report**

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

## **Recommendations**

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

**Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.**

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence should be notified to [democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk) or 01295 221534 prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

Please contact Aaron Hetherington / Matt Swinford, Democratic and Elections  
[democracy@cherwell-dc.gov.uk](mailto:democracy@cherwell-dc.gov.uk), 01295 221534

**Yvonne Rees**  
**Chief Executive**

Published on Wednesday 4 January 2023

# Agenda Item 4

## **Cherwell District Council**

### **Planning Committee**

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 8 December 2022 at 4.00 pm

#### Present:

Councillor George Reynolds (Chairman)  
Councillor Rebecca Biegel  
Councillor John Broad  
Councillor Hugo Brown  
Councillor Ian Corkin  
Councillor Ian Harwood  
Councillor Simon Holland  
Councillor Richard Mould  
Councillor Lynn Pratt  
Councillor Les Sibley  
Councillor Dorothy Walker

#### Substitute Members:

Councillor Sandy Dallimore (In place of Councillor Colin Clarke)  
Councillor Matt Hodgson (In place of Councillor Amanda Watkins)  
Councillor Douglas Webb (In place of Councillor Bryn Williams)

#### Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)  
Councillor Andrew Beere  
Councillor Colin Clarke  
Councillor Jean Conway  
Councillor Fiona Mawson  
Councillor Amanda Watkins  
Councillor Bryn Williams

#### Officers:

Andy Bateson, Team Leader – Major Developments  
David Mytton, Solicitor  
Aaron Hetherington, Democratic and Elections Team Leader  
Matt Swinford, Democratic and Elections Officer

#### Officers Attending Virtually:

Alex Chrusciak, Senior Manager - Development Management

Paul Ihringer, Householder Team Leader  
Wayne Campbell, Principal Planning Officer

91 **Declarations of Interest**

**8. Unit D1 Graven Hill, Circular Road, Ambrosden.**

Councillor Ian Corkin, Other Registerable Interest, as a Non-Executive Director of Graven Hill Development Company Limited and would leave the meeting for the duration of the item.

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application and as a former employee of the Ministry of Defence Bicester.

Councillor Lynn Pratt, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

**11. Car Parking Area West Of 37 Holm Way, Bicester.**

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

**12. St Georges Barracks Arcott Wood Road, Arcott, OX25 1PP.**

Councillor Les Sibley, Other Registerable Interest, as a former employee of the Ministry of Defence Bicester.

92 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

93 **Minutes**

The Minutes of the meeting held on 3 November 2022 were agreed as a correct record and signed by the Chairman.

94 **Chairman's Announcements**

The Chairman made the following announcements:

1. That the Chairman had received a Freedom of Information request regarding telephone masts which he has referred to the Monitoring Officer. The Chairman advised the Committee that if they received a Freedom of Information request to refer it to the Monitoring Officer.
2. The Chairman thanked the Interim Senior Manager – Development Management for his work especially at Planning Committee's as this would be his last Planning Committee with Cherwell District Council.

95 **Urgent Business**

There were no items of urgent business.

96 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed Pre-Committee site visits.

97 **Unit D1 Graven Hill Circular Road Ambrosden**

The Committee considered application 22/01829/OUT, an outline (fixing 'Access' only) application for the redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8 'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works at Unit D1, Graven Hill, Circular Road, Ambrosden for Graven Hill Purchaser Ltd (c/o Resolute Property Consultancy Ltd).

Mark Humphreys, agent for the application and Ben Taylor, from the Trust for Oxfordshire Environment addressed the committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation, the written update, and addresses from the public speakers.

**Resolved**

- (1) That the authority be delegated to the Assistant Director – Planning and Development to grant permission subject to:

- i) The expiry of the current consultation period on 5 December 2022 and confirmation that at the close of this consultation period, no responses have been received raising new material issues which, in the view of the Assistant Director, have not been dealt with in the assessment of the application.

And subject to

- ii) The conditions set out below (and any amendments to those conditions as deemed necessary); and
- iii) The completion of a planning obligation under section 106 of the town and country planning act 1990, as substituted by the planning and compensation act 1991, to secure the following heads of terms set out in the annex to the Minutes, as set out in the Minute book (and any amendments to those conditions as deemed necessary)

## Conditions

### **Time Limits and General Implementation Conditions**

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') for each phase shall be submitted to and approved in writing by the Local Planning Authority before construction of that phase takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

3. The development shall not be carried out otherwise than in complete accordance with the approved plans:
  - 410-S-00 (Revision. P9) Site Location Plan 1:2500
  - 410-S-10 (Revision. P15) Existing Plan 1:2000
  - 410-S-12 (Revision. P6) Proposed Demolition Plan 1:2000
  - 410-S-13 (Revision. P2) Existing Block Plan 1:2000
  - 410-S-51 (Revision. P4) Proposed Layout Parameter Plan 1:2000

- 410-GA-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Ground Floor 1:500 (For Information Only)
- 410-GA-11 (Revision P3) Indicative Proposed Unit 3 Floor Plans 1:100 (For Information Only)
- 410-GA-12 (Revision P3) Indicative Proposed Unit 2 Floor Plans 1:100 (For Information Only)
- 410-GA-13 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - Roof 1:500 (For Information Only)
- 410-GA-50 Proposed Bat Barn 1:50 • 410-GS-00 (Revision P4) Existing Site Sections 1:1250
- 410-GS-01 (Revision P3) Indicative Proposed Site Sections 1:1250 (For Information Only)
- 410-GS-10 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - South Elevations (For Information Only)
- 410-GS-11 (Revision P3) Indicative Proposed Unit 2&3 (Area2) - North Elevations (For Information Only)
- 410-GS-12 (Revision P3) Indicative Proposed Unit 2 (Area2) - East & West Elevations 1:200 (For Information Only)
- JSL3697\_Fig10.76 Indicative Landscape Strategy 1:2000 (For Information Only)
- 1923-050-010 (Rev D) EAR Gate1 & 2 Highway Improvements, Future Scenario 1:500
- 1923-050-011 EAR Gate 3 Highway Improvements, Future Scenario 1:500
- 1923-050-012 (Rev C) EAR Gate 4 Highway Improvements, Future Scenario 1:500
- 1923-050-015 (Rev C) EAR Gate1 & 2 Highway Improvements, Proposed Scenario 1:500 • 1923-050-016 (Rev B) EAR Gate 3 Highway Improvements, Proposed Scenario 1:500
- 1923-050-017 EAR (Rev B) Gate 4 Highway Improvements, Proposed Scenario 1:500

Unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To clarify the permission and for the avoidance of doubt.

#### **Development Parameters**

4. The development shall come forward in accordance with the approved parameter plan ref: 410\_S-51 Rev P4 received October 2022 and the floor space for the proposed B8 uses as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall not exceed the following maximum:

Gross internal area for the whole site: 104,008 sq. metres

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority, in accordance with the submitted Environmental Statement and to accord



with Policy Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. The maximum height of the buildings on site to the ridge shall not exceed 20 metres (as defined by the Proposed Layout Parameter Plan shown on drawing 410\_S-51 Rev P4). Reason: For the avoidance of doubt, to safeguard the visual amenities of the area and to accord with Policy ESD15 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Phasing Plan**

6. No part of the development shall take place until a phasing plan to cover the entire site to identify each phase, sub-phase and development parcel has been submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in accordance with the approved Phasing Plan. Thereafter each reserved matters application shall refer to a phase, phases or part thereof identified in the approved phasing plan. Any subsequent amendment to the phasing of the development shall be submitted to the Local Planning Authority in the form of a revised phasing plan and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development throughout the duration of the construction phase and to comply with Policy PSD 1 of the Cherwell Local Plan and with Government advice in the National Planning Policy Framework.

#### **Tree Protection**

7. No development shall take place until a scheme for the phasing of the tree protection works in accordance with the following drawings and documents:
  - Arboricultural constraints plan sheets 1 to 8 dated May 2022;
  - Tree retention and removal plan sheets 1 to 8 dated May 2022; and
  - Arboricultural Impact Assessment dated June 2022;

has been submitted to and been agreed in writing by the Local Planning Authority. The tree protection measures shall thereafter be erected in accordance with the approved details and timings and shall be maintained until all equipment, machinery and surplus material has been removed from that phase or sub phase of the development.

Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policies ESD10 and ESD13 of the Cherwell Local Plan and Government guidance

contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Ecology**

8. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme. Reason: To protect species of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. The development shall be implemented fully in accordance with the approved Ecological Assessment by RPS Group, dated June 2022 (Ref: ECO01318 v.4)

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

10. Where an offence under Regulation 41 of the "The Conservation of Habitats and Species Regulations 2017 (as amended) is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on bat species and great crested newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

11. All species used in the planting proposals associated with the development's ecological mitigation and biodiversity enhancement areas shall be native species of UK provenance.

Reason: To conserve and enhance biodiversity and prevent the spread of non-native species in accordance with Policy ESD10 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework.

12. No development shall commence (including demolition, ground works, vegetation clearance), unless and until a certificate confirming the agreement of an 'Off-Site Biodiversity Net Gain' or 'Offset' Provider, approved by the Local Planning Authority to deliver a Biodiversity Offsetting Scheme of no less than 10% biodiversity units (in accordance with the Defra Biodiversity metric 3.1 calculation tool) above the baseline (138 units), with management guaranteed for a minimum of 30 years, has been submitted to and agreed in writing by the Local Planning Authority. The written approval of the Council shall not be issued before the certificate has been issued by the Off-Site Biodiversity Net Gain Provider. The details of biodiversity enhancements shall be documented by the Off-Site Biodiversity Net Gain Provider and issued to the Council for their records. For the avoidance of doubt, the finalised unit number and cost shall be agreed following an updated habitat assessment.

The approved scheme shall thereafter be implemented in accordance with the approved details.

Reason: To compensate of the net loss of biodiversity resulting from the development by providing biodiversity enhancements off-site in accordance with Policy ESD10 of the Cherwell Local Plan and paragraphs 170, 174 and 175 of the National Planning Policy Framework

#### **Construction Traffic Management Plan (CTMP)**

13. No development shall take place on any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) including any works of demolition until a Construction Traffic Management Plan for that phase, sub-phase or development parcel for the development has been submitted to and been approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
  - a. The location and design of the construction site accesses, and details of remedial works included in the closure of the construction accesses;
  - b. The design and location of the site compound;
  - c. The parking of vehicles of site operatives and visitors;
  - d. The routeing of HGVs to and from the site both before and after the completion of the Employment Access Route (EAR);
  - e. Full details of the off-site signage for the routing of Heavy Goods Vehicle construction traffic;
  - f. The proposed hours of HGV construction traffic to and from the site;
  - g. Loading and unloading of plant and materials;
  - h. Storage of plant and materials used in constructing the development;
  - i. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - j. Wheel washing facilities for each access point including type of operation (automated, water recycling etc) and road sweeping;
  - k. Measures to control the emission of dust and dirt during construction as based on assessment of the dust risk undertaken in accordance with the Institute of Air Quality Management (IAQM) Guidance on Assessment of Dust from Demolition & Construction 2014(v1.1) & Guidance on Air

Quality Monitoring in the vicinity of Construction & Demolition Sites 2018(v1.1);

- l. A scheme for recycling/disposing of waste resulting from demolition and construction works;
- m. A commitment to deliveries only arriving or leaving the site outside peak traffic periods.

The approved Construction Method Statement shall thereafter be adhered to throughout the construction period for the development.

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety, in accordance with Policy ESD3 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Construction Environmental Management Plan**

14. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:
  - a. Risk assessment of potentially damaging construction activities;
  - b. Identification of 'Biodiversity Protection Zones';
  - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d. The location and timing of sensitive works to avoid harm to biodiversity features;
  - e. The times during construction when specialist ecologists need to be present on site to oversee works;
  - f. Responsible persons and lines of communication;
  - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h. Use of protective fences, exclusion barriers and warning signs;
  - i. Reptile Method Statement;
  - j. Great Crested Newt Method Statement.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policies ESD10 and ESD 15 of the Cherwell Local Plan and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Archaeology – Written Scheme of Investigation**

15. No development shall take place in any phase, sub-phase or development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) until the applicant, or their agents or successors in title, has submitted to and had approved in writing by the local planning authority a programme of archaeological work in accordance with a Written Scheme of Investigation and a timetable for that work for that phase of the development. The development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable for that phase or sub phase of the development.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

**Archaeological Reporting**

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, no development shall commence on site without the appointed archaeologist being present. Once the watching brief has been completed its findings shall be reported to the Local Planning Authority, as agreed in the Written Scheme of Investigation, including all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy ESD 15 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework (NPPF) (Section 16).

**Framework Operational Management Plan**

17. Prior to occupation of any part of development hereby permitted, a Framework Operational Management Plan (FOMP) will be submitted to and agreed in writing by the Local Planning Authority. The FOMP will detail the proposals for the management of the impact of the development on the surrounding highway network, including but not limited to the following:
- a. Details of staff shift changes at the development (or the relevant part thereof) which seek to minimise the effect during peak (0800-0900 & 1700-1800) operational periods of the surrounding highway network;
  - b. A car park management plan for the development (or the relevant part thereof);
  - c. A strategy for road signs at the development (or the relevant part thereof); This includes both scenarios both 'before' and 'after' completion of the South East Perimeter Road;

d. A site delivery and service plan, detailing the routing and timing of delivery vehicles at the development (or the relevant part thereof).

Reason: To ensure that the M40 and A34 continue to be effective parts of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety. This is also to minimise the effect during peak (0800-0900 & 1700-1800) operational periods.

**Site Access – Full details**

18. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the Employment Access Road, including position, layout, drainage, lighting, visibility splays and footways shall be submitted to and approved in writing by the Local Planning Authority. There shall be no obstruction of the visibility splays above 0.6m high. Thereafter and prior to the first occupation of any of the development, the means of access shall be constructed and retained in accordance with the approved details.

Reason: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

**Site Roads, Parking and Turning Areas**

19. Prior to the commencement of each phase, sub-phase and development parcel (as defined by phasing plan to be submitted to and approved in writing under condition 6) hereby approved, full specification details of the site roads, parking and turning areas, which shall include swept path analysis, construction, layout, surfacing, lighting and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of each phase of the development, the site roads and turning areas shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

**Cycle Parking**

20. The development hereby approved shall not be occupied until cycle parking spaces to serve the development have been provided according to details that have been submitted to and agreed in writing by the Local Planning Authority. All cycle parking shall be retained unobstructed except for the parking of cycles at all times thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

**Pedestrian/Cycle connection**

21. Prior to the commencement of the development hereby approved, full details of the pedestrian/cycle connections within the site and from the site to the Employment Access Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the connections will be provided in accordance with the agreed details prior to occupation of the development.

Reason: To ensure safe and suitable access to the development for all people and to comply with Government guidance contained within the National Planning Policy Framework.

**Crime Prevention**

22. All reserved matters applications for the construction of buildings (excluding temporary, service building e.g. substation or buildings used for security purposes) shall be submitted with a detailed scheme for crime prevention which will include both electronic and physical measures to demonstrate compliance with the guidance contained in 'Secured by Design - Commercial 2015'. The development approved under the reserved matters consent shall thereafter be implemented fully in accordance with the approved scheme prior to its first occupation and all measures shall be maintained in full working condition.

Reason: In the interest of crime prevention and to comply with Policy BSC9 of the Cherwell Local Plan and Government advice in the National Planning Policy Framework.

**Hours of operation**

23. Any reserved matters applications for B8 uses (as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended)) shall include full details of proposed opening hours for those proposed uses. The premises granted reserved matters consent shall thereafter be operated in accordance with the approved details.

Reason: To protect the amenities of nearby residents and to comply with Policy C28 of the Cherwell Local Plan and Government guidance in the National Planning Policy Framework.

**Landscape Environmental Management Plan**

24. No part of the development shall take place on a phase, sub-phase, or development parcel (as defined on by the phasing plan to be submitted and approved under condition 6). until a detailed Landscape and Ecological Management Plan (LEMP) for that phase, sub-phase, or development parcel has been submitted to and approved in writing by the Local Planning Authority. Each phase of the development hereby permitted shall be constructed in accordance with LEMP approved for that phase.

Reason: To ensure that the mitigation measures detailed within the Environmental Statement are adequately addressed in order to protect and preserve wildlife and its habitats in accordance with Policies ESD 10

and ESD 13 of the Cherwell Local Plan and guidance contained within the NPPF.

**Outline Strategic Landscaping**

25. No development shall take place until full details of the proposed strategic landscaping as defined on drawing 'Indicative Landscape Strategy' ref: 10.76, received June 2022 have been submitted to and approved in writing to the Local Planning Authority. The details shall include:
- a. details of all earth bunding and earth retaining features;
  - b. 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);
  - c. details of the existing trees and hedgerows to be retained as well as those to be felled, 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.

The approved landscaping works within the Strategic Landscape Strategy shall thereafter be implemented in the first planting season following the practical completion of the first phase, sub-phase or development parcel of development, (as defined on by the phasing plan to be submitted and approved under condition 6).

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 ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Site wide lighting scheme**

26. A scheme detailing all external lighting/security lighting/flood lighting, including the design, position, orientation and any screening of the lighting in accordance with the BWB Lighting Impact Assessment Ref BSB-BWB-ZZ-XX-RP-E0001\_LIA received June 2022 shall be submitted with each reserved matters for the erection of a building and or the construction of a parking area.

Reason: In order to safeguard the visual amenities of the area and the residential amenity of nearby properties in accordance with Policies ESD13 and ESD15 of the Cherwell Local Plan and Government advice in The National Planning Policy Framework.

**Colour banding/design**

27. All reserved matters applications for any building (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) shall include full details of the colours of materials used for the elevations and roofs and shall adopt a horizontal colour banded approach as set out in section 5.11 of the Design and Access Statement received June 2022.



Reason: To ensure that the materials and the appearance of the buildings are appropriate to the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD13 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

**Mezzanine Floors**

28. All reserved matters applications shall include full details of any proposed mezzanine floors where they are proposed to be included with any of the units that form part of the reserved matters submission.

Reason: To ensure the development complies with the development parameters and the submitted Transport Assessment and to accord with policy SLE 1 and Bicester 2 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

**Scheme for Control of Noise Emissions and Vibration from Plant/ Equipment**

29. Each Reserved Matters application shall be accompanied by a Noise and Vibration Impact Assessment and mitigation scheme to control emissions of noise and/or vibration from within buildings and noise and/or vibration from any activity in external areas. The noise assessment shall be undertaken in accordance with procedures detailed in BS4142:2014: +A1:2019 Methods for rating and assessing industrial and commercial sound for any noise sensitive premises, and shall not exceed the levels set out in Table 14.16 (paragraph 14.9.3) and the information provided in paragraphs 14.9.4 to 14.9.8 (inclusive) contained within Appendix 14 of the Environmental Statement by Stantec dated June 2022. The vibration assessment will be undertaken in accordance with procedures detailed in BS 6472- 1992 Guide to the Evaluation of human exposure to vibration in buildings and BS 7385-2:1993 Evaluation and measurement for vibration in buildings - Guide to damage levels from ground borne vibration. The units shall be built and operated in full accordance with the approved Noise and Vibration Impact Assessment and any noise control measures and vibration control measures shall be implemented in full prior to the first occupation of the building and retained in full working order thereafter.

Reason: To protect nearby properties from unacceptable noise pollution and vibration and to comply with policy PSD1 of the Cherwell Local Plan and guidance contained with the National Planning Policy Framework.

**Foul Water Provision**

30. No development shall be occupied until confirmation has been provided that either:
- a) Foul water Capacity exists off site to serve the development; or
  - b) A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation

shall take place other than in accordance with the agreed development and infrastructure phasing plan; or

c) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents and to comply with Government guidance contained within the National Planning Policy Framework.

### **Odour Modelling Assessment**

31. No development shall commence until an odour modelling assessment has been submitted to and approved by the Local Planning Authority (LPA) in consultation with Thames Water (TW). The odour assessment should be based on assessing on-site odour emissions. The assessment should include an odour mitigation measures strategy. Where the odour modelling assessment identifies a need for mitigation there should be no occupation of the development until the recommendations of the odour mitigation strategy are agreed by the LPA in consultation with TW and have been implemented and are operational. The applicant should submit an appropriate appraisal of amenity whereby the conclusions and recommendations satisfy the LPA. The applicant should within its submission include a detailed odour assessment, which should be prepared in consultation with TW.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, in accordance with Policy BSC8 and Government guidance contained at paragraph 123 within the National Planning Policy Framework.

### **Water Network Provision**

32. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development, in accordance Government guidance contained within the National Planning Policy Framework.

### **Strategic Surface Water Management Scheme**

33. Prior to the commencement of development, a detailed surface water drainage scheme for the entire site, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:
- a) A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
  - b) Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
  - c) A Flood Exceedance Conveyance Plan;
  - d) Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
  - e) Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
  - f) Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
  - g) Details of how water quality will be managed during construction and post development in perpetuity;
  - h) Confirmation of any outfall details;
  - i) Consent for any connections into third party drainage systems.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **Surface Water Management Scheme**

34. Prior to the approval of any related reserved matters, a detailed Surface Water Management Scheme for each phase, sub-phase or development parcel of the development (as defined on by the phasing plan to be submitted and approved under condition 6), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in accordance with the details approved as part of the strategic scheme (Strategic Surface Water Management Scheme approved under condition 33) and include all supporting information as listed in condition 33. The scheme shall be implemented in accordance with the approved details and timetable.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **SuDS as Built and Maintenance Details**

35. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;

- b) Photographs to document each key stage of the drainage system when installed on site;
- c) Photographs to document the completed installation of the drainage structures on site;
- d) The name and contact details of any appointed management company.

Reason: To ensure development does not increase the risk of flooding elsewhere; in accordance with Paragraph 155 of the National Planning Policy Framework (NPPF) and Local and National Standards.

#### **Waste Management Strategy**

36. Prior to the first occupation of any building on the site (excluding temporary, service buildings e.g., substation, or buildings used for security purposes) details of the waste management strategy (i.e. storage of bins and collection) for that building shall be submitted and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details so approved at all times thereafter.

Reason: In the interests of sustainability and to ensure a satisfactory form of development and to accord with Policy ESD1 and with Government advice in the National Planning Policy Framework.

#### **Restriction of Use**

37. Any premises first used for purposes within Class B8 shall thereafter only be used for purposes within Class B8 as specified in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: To ensure proper planning control of the uses on site, to ensure compliance with Transport Assessment, to protect the amenities of nearby residents, to safeguard and to ensure adequate provisions of access and parking and to accord with Policies SLE1 and Bicester 2 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Hours of Construction Work**

38. No construction work including site clearance shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Policy PSD 1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **Sustainability**

39. The development hereby permitted shall be constructed to at least a BREEAM 'Excellent' standard, or any future national equivalent standard that replaces it. Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework and to comply with Policies ESD1, 2,

3, 4 and 5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

40. A scheme detailing the methods for generation of energy from decentralised and renewable or low carbons sources in accordance with BWB Energy and Sustainability Statement ref: BSB-BWB-00-XX-RP-ME-0001 received June 2022 shall be submitted with each reserved matters application for the erection of a building (other than the erection of services buildings) and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details so approved.

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development, in accordance with Policies ESD 1 and ESD 2 and as set out in the National Planning Policy Framework.

41. No building shall be first occupied until a scheme for the provision of electric vehicle charging points and associated ducting (including the specification of the charging points and the timing of the installation of the charging points) has been submitted to and been approved in writing by the Local Planning Authority. The ducting should be in place to allow for the easy expansion of the electric vehicle charging system. The car charging equipment shall thereafter be installed in accordance with the approved details and shall thereafter be available for use at all times and be maintained in full working order.

Reason: To comply with Policies ESD 1, ESD 4 and ESD 5 of the Cherwell Local Plan and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

**Land Contamination – Intrusive Investigation Scheme**

42. In accordance with the recommendations set out in section 5.3 of the Ground Conditions Summary Report by RPS Group dated 16 May 2022, no part of the development within a phase, sub-phase, or development parcel hereby permitted shall take place until a scheme of intrusive investigation for that phase, subphase, or development parcel in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the

environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan.

#### **Contaminated Land Remediation Scheme**

43. If contamination is found in any phase, sub-phase, or development parcel by undertaking the work carried out under condition 42, prior to the commencement of the development within that phase, sub-phase, or development parcel hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and shall be submitted to and approved in writing by the Local Planning Authority. No further development shall take place within that phase, sub-phase, or development parcel until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan.

#### **Unsuspected Contamination**

44. If, during development, contamination not previously identified is found to be present at the site, development will cease within that area of the site, until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Policy ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

#### **External Storage**

45. Following the first occupation of each building on the site, no goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings (beyond the areas shown as open storage on plans approved through reserved matters applications). Reason: In order to safeguard the visual amenities of the area and to ensure adequate parking and manoeuvring space within the site in accordance with Government guidance contained within the National Planning Policy Framework.

#### **Refrigerated Trailers**

46. In the event that refrigerated trailers operate from the site, all HGV waiting and loading bays necessary to park the refrigerated trailers shall be provided with electrical hook up points to allow refrigerated trailers to operate without using their diesel engines when stationary. Any hook up

points required by this condition shall be provided prior to first use of the site by refrigerated vehicles and thereafter be maintained in a serviceable condition for the lifetime of such vehicular activities taking place on the site.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policies PSD 1 and ESD 10 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

### **Skills and Training**

47. Prior to the commencement of development, a Training and Employment Plan (TEP) for the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, this plan shall include the arrangements by which the applicant (or other specified persons) will provide construction (and related trades) apprenticeship starts during construction of the development hereby approved. Construction shall take place in accordance with the agreed TEP.

Reason: To support and encourage sustainable economic growth, to ensure the population is sufficiently skilled to attract companies and investment to Cherwell and strengthen the skills base of the local economy, in accordance with paragraph B14 and Strategic Objective 3 of the Cherwell Local Plan and Government guidance contained in paragraphs 80 and 81 of the National Planning Policy Framework.

### 98 **Land South of Faraday House Woodway Road Sibford Ferris**

The Chairman advised that application 22/01773/F had been withdrawn by the applicant.

### 99 **Land To Rear Of Gracewell Care Home Gardner Way Adderbury**

The Committee considered application 21/01966/F for the erection of 18 dwellings and access road at land to the rear of Gracewell Care Home, Gardner Way, Adderbury for Malvern Homes Limited.

In reaching its decision, the Committee considered the officers report, presentation and written update.

### **Resolved**

- (1) That the authority be delegated to the Assistant Director - Planning and Development to grant permission subject to:
  - i) The resolution of;
    - a) No objections from the Ecology officer
  - ii) The conditions set out below (and any amendments to those conditions as deemed necessary)

- iii) The completion of a planning obligation under section 106 of the town and country planning act, as substituted by the Planning and Compensation Act 1981, to secure the following (and any amendments as deemed necessary)

Planning Obligation		Regulation 122 Assessment	
Detail	Amount	Trigger point	
Provision of off-site commuted sum for improvements to local play area	£TBC	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p><b>Necessary</b> – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p><b>Directly related</b> – For the use of future occupiers of the development</p> <p><b>Fairly and reasonably related in scale and kind</b> – In accordance with the policy and guidance provisions adopted by the Council</p>

### Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans reference SLP1, 03, 05, received 04/06/2021 revised plans reference 01 Rev A, 02 Rev A, 03 Rev A, 04, 06 rev B, 07 Rev A, 08 Rev A, 09, 10, 11 Rev A, 12 Rev A, 14, 15 received 09/09/2022 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason: To clarify the permission and for the avoidance of doubt.

3. No development shall take place until the applicant (or their agents or successors in title) has submitted to and had approved in writing by the local planning authority a programme of archaeological work consisting of a written scheme of investigation and a timetable for that work. The



development shall thereafter proceed in accordance with the approved written scheme of investigation and timetable.

Reason: To secure the provision of archaeological investigation and the subsequent recording of the remains, to comply with Government advice in the National Planning Policy Framework (NPPF) (Section 16). This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

4. Following the approval of the Written Scheme of Investigation referred to in condition 3, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF

5. Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently implemented in accordance with the approved details prior to the first occupation of the development. The scheme shall include:
  - A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
  - Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change and 10% urban creep (Note: the Cv values should be set to 0.95 and MADD should be 0.0);
  - A Flood Exceedance Conveyance Plan;
  - Comprehensive infiltration testing across the site to BRE DG 365;
  - Detailed design drainage layout drawings of the SuDS proposals including cross section details;
  - Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element;
  - Details of how water quality will be managed during construction and post development in perpetuity; and
  - Consent for any connections into third party drainage systems

Reason: To ensure that there is no flooding due to the site drainage and that the water environment is protected and in accordance with Policies ESD6 and ESD7 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - The name and contact details of any appointed management company information.

Reason: In accordance with section 21 of the Flood and Water Management Act 2010 and Government guidance contained within the National Planning Policy Framework.

7. A schedule of materials and finishes to be used in the external walls and roof(s) of the dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be carried out in accordance with the approved details and shall be retained as such thereafter.

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.

8. No development shall commence unless and until a report has been submitted to and approved in writing by the local planning authority that demonstrates all habitable rooms within the dwellings will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor and external noise levels (if required, then the methods for rating noise in BS4142:2014 should be used, such as for noise from industrial sources). Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with approved details.

Reason: To avoid noise giving rise to significant adverse impacts on health and quality of life and to comply with advice in the NPPF (section 15) and Saved Policy ENV1 of the Cherwell Local Plan 1996

9. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a. The parking of vehicles of site operatives and visitors;
  - b. The routing of HGVs to and from the site;
  - c. Loading and unloading of plant and materials;
  - d. Storage of plant and materials used in constructing the development;

- e. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- f. Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping;
- g. Measures to control the emission of dust and dirt during construction;
- h. A scheme for recycling/ disposing of waste resulting from demolition and construction works;
- i. Delivery, demolition and construction working hours; The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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

10. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

11. If a potential risk from contamination is identified as a result of the work carried out under condition 10, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved

Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

12. If contamination is found by undertaking the work carried out under condition 10, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

13. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

14. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

Reason: In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

15. A plan detailing the proposed parking and turning provision for vehicles to be accommodated within the site (including details of the proposed surfacing and drainage of the provision), shall be submitted to and

approved in writing by the Local Planning Authority prior to commencement of those works. The approved parking and turning facilities shall be laid out and completed in accordance with the approved details before the first occupation of the dwellings. The car parking and turning spaces shall be retained for the parking turning of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking and turning and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

16. Details of a turning area to be provided within the site so that motor vehicles may enter, turn around and leave in a forward direction including refuse and emergency service vehicles (including surfacing and drainage details) shall be submitted to and approved in writing by the Local Planning Authority before the development reaches slab level. The turning area shall be constructed and completed in accordance with the approved details before the development is first occupied and shall be retained for the manoeuvring of motor vehicles at all times thereafter.

Reason: In the interests of highway safety and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

17. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. The covered cycle parking facilities so provided shall thereafter be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of promoting sustainable transport modes in accordance with Government advice in the National Planning Policy Framework.

18. Prior to the first occupation of the development a Residential Travel Plan and Residential Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan Statement shall be implemented and operated in accordance with the approved details.

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

19. No temporary obstructions including any materials, plant, temporary structures or excavations of any kind shall be deposited / undertaken on or adjacent to the public right of way that may obstruct or dissuade the public from using the public right of way whilst the development takes place.

Reason: To ensure the public right of way remains available and convenient for public use.

20. No development shall commence unless and until full details of the tree protection measures for all trees and hedges to be retained have been submitted to and approved in writing by the Local Planning Authority. These measures shall be set out in a detailed Arboricultural Method Statement to include the specification of the location and type of protective fencing, the timings for the erection and removal of the protective fencing, the details of any hard surfacing and underground services proposed within the root protection areas, all to be in accordance with the British Standard for Trees in Relation to Construction 5837: 2012, and the monitoring of tree protection measures during construction. All tree protective measures shall be carried out as set out in the approved Arboricultural Method Statement.

Reason: To protect the visual amenity of the area in accordance with policies

21. A scheme for landscaping the site shall be provided 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 as well as those to be felled, 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,
  - (c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas 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.

22. No development above slab level shall be carried out until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented in full compliance prior to the first occupation on the site.

Reason: To protect the amenities of nearby residents, visual amenity and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

23. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

24. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a. Risk assessment of potentially damaging construction activities;
- b. Identification of 'Biodiversity Protection Zones';
- c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d. The location and timing of sensitive works to avoid harm to biodiversity features;
- e. The times during construction when specialist ecologists need to be present on site to oversee works;
- f. Responsible persons and lines of communication;
- g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h. Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

25. Full details of the siting, appearance and colour of any electricity or gas supply meter housings to be located on the external elevations of the buildings shall be submitted to and approved by the Local Planning Authority prior to the construction of the building above slab level. The development shall thereafter be carried out in accordance with the approved details

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

26. Notwithstanding the provisions of Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order), the garage(s) shown on the approved plans shall be retained for the garaging of private motor vehicles and shall not be converted to provide additional living accommodation without the grant of further specific planning permission from the Local Planning Authority.

Reason: In the interests of highway safety, to ensure the provision of adequate offstreet car parking to comply with Government guidance in Section 12 of the National Planning Policy Framework.

27. Notwithstanding the provisions of Classes A-D (inc) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no enlargement alteration or improvement of any dwellinghouse shall be undertaken at any time without the grant of further specific planning permission from the Local Planning Authority.

Reason: Taking into account the density of the site it is considered to be in the public interest to ensure the merits of future proposals can be assessed by the Local Planning Authority so that the amenities of the adjoining occupier(s) are not adversely affected in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Section 12 of the National Planning Policy Framework.

28. The first-floor window in the east elevation of plot 9 shall be obscure glazed, using manufactured obscure glass, (not an applied adhesive film) before the dwelling is first occupied and shall be permanently retained as such thereafter. The window shall also be non-opening, unless those parts which can be opened are more than 1.7m above the floor of the room in which it is installed and shall be permanently retained as such thereafter.

Reason: To ensure that the amenities of the adjoining occupier(s) are not adversely affected by loss of privacy in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

29. Full details of the enclosures along all boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure, in respect of those dwellings which are intended to be screened, shall be erected prior to the first occupation of those dwellings and shall be retained as such thereafter.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local



Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

30. Prior to the first occupation of the development hereby permitted, written confirmation that the development achieves a water efficiency limit of 110 litres/person/day under Part G of the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: Cherwell District is in an area of water stress, to mitigate the impacts of climate change and in the interests of sustainability, to comply with Policies ESD1 and ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

### 100 **Car Parking Area West Of 37 Holm Way Bicester**

The Committee considered application 22/02493/F for the erection of 4 no. residential dwellings (Class C3) with additional parking, access and landscaping at Car parking Area West of 37 Holm Way, Bicester for LCP Estates Ltd.

David Rigby, a local resident, addressed the Committee in objection to the application.

Henry Courtier, agent for the applicant and Melanie Dobson, Transport Consultant to the applicant, addressed the Committee in support of this application.

In reaching its decision, the Committee considered the officers report, presentation, the written update and addresses of the public speakers.

#### **Resolved**

That application 22/02493/F be refused for the following reasons:

1. The loss of the public car park would result in an increased demand for on-street parking provision that cannot be safely or realistically accommodated within the vicinity of the site, resulting in significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

2. Adequate pedestrian and vehicular vision splays from the off-street parking areas serving the proposed dwellings have not been demonstrated. In the absence of the required vision splays the proposal has the potential to cause significant harm to highway safety. The proposal is therefore contrary to Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

## **St Georges Barracks Arccott Wood Road Arccott OX25 1PP**

The Committee considered application 22/02567/F, for the demolition of an existing three storey single living accommodation block and the erection of three storey single living accommodation block at St Georges Barracks Arccott, Wood Road, Arccott, OX25 1PP for Defence Infrastructure Organisation.

In reaching its decision, the Committee considered the officers report and presentation.

### **Resolved**

- (1) That the authority be delegated to the Assistant Director - Planning and Development to grant permission subject to
  - i.. the resolution of drainage matters or the identification of a suitable condition to address the issues
  - ii. the conditions set out below (and any amendments to those conditions as deemed necessary)

### **Conditions**

#### Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application Form
  - Planning Statement
  - Drawing number Z9A8409 Y20 -HLM -00 -00 -DR - A -000001 Rev P03 – [Site Location Plan] • Drawing number Z9A8409Y20-HLM-10-00-DR-A-00010 Rev P01 – [Proposed Site Block Plan]
  - Drawing number Z9A8409Y20-HLM-11-00-DR-A-001110 Rev P07 – [Proposed Ground Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-01-DR-A-001111 Rev P07 – [Proposed First Floor Plan]
  - Drawing number Z9A8409Y20-HLM-11-02-DR-A-001112 Rev P07 – [Proposed Second Floor Plan]
  - Drawing number Z9A8409 Y20 -HLM -11 -03 -DR - A -001113 Rev P07 – [Proposed Roof Plan]
  - Drawing number Z9A8409Y20-HLM-10-00-DR-A-000103 Rev P06 – [Proposed Landscape Pan]

- Drawing number Z9A8409Y20-HLM-11-XX-DRA-003110 Rev P06 – [Proposed Elevations]
- Drawing number SLA-HLM-XX-ZZ-DR-A-00250 Rev P04 – [Typical Strip Section]
- Drawing number Z9A8409Y20-HLM-11-XX-DR-A-002110 Rev P05 – [Sections]

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

3. The premises shall be used only for the purpose of service personnel living accommodation and for no other purpose whatsoever, including any other purpose in Class C2A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order.

Reason: This consent is only granted in view of the special circumstances and needs of the applicant.

4. A schedule of materials and finishes to be used in the external walls and roof(s) of the building(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The building hereby permitted shall be constructed to DREAM excellent standard. Written confirmation, from a suitably qualified person, that the building has been constructed to DREAM excellent shall be provided to the local planning authority prior to the first occupation of the building.

Reason: To ensure sustainable construction and reduce carbon emissions in accordance with Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) [or on the completion of the development, whichever is the sooner,] [or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority] and shall be maintained for a period of 5 years from

the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

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

7. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of any retained tree, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

8. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

9. The development hereby permitted shall be carried out in accordance with the recommendations set out in Preliminary Ecological Appraisal Report by Arcadis dated November 2021 and the Bat Survey Report by Arcadis dated July 2022 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework

10. Prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the first use or occupation of the building hereby permitted, secure cycle parking facilities shall be provided in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

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

102 **Recreation Ground Keble Road Bicester Oxfordshire OX26 4UX**

The Chairman advised that application 22/02491/CDC had been withdrawn from the agenda as issues had been discovered with the submitted plans that required correction. The application would be submitted to a future meeting.

103 **The Paddocks 2 Foxtowns Green Kirtlington OX5 3JW**

The Committee considered application 22/02721/F, for the addition of a small stable (on skids) alongside the existing stable block which comprises 2 stables, tack room and hay barn (retrospective) at The Paddocks, 2 Foxtowns Green, Kirtlington, OX5 3JW for Ms Jean Conway.

In reaching its decision the Committee considered the officers report, presentation and written update.

**Resolved**

- (1) That permission be granted subject to the conditions below

**Conditions**

Compliance with plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall remain in accordance with the following plans and documents: BWC2022/TR/2FGK.

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

Private use only

2. The stable hereby permitted shall be used for private use only and no commercial use, including livery, shall take place at any time.

Reason – In order to maintain the character of the area and safeguard the amenities of the occupants of the nearby properties in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Policies C28 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

#### 104 **Appeals Progress Report**

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

#### **Resolved**

(1) That the position statement be accepted.

The meeting ended at 5.56 pm

Chairman:

Date:

## CHERWELL DISTRICT COUNCIL

Planning Committee - 12 January 2023

### PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

#### **Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications**

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

#### **Human Rights Implications**

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

#### **Background Papers**

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

<b>Item No.</b>	<b>Site</b>	<b>Application Number</b>	<b>Ward</b>	<b>Recommendation</b>	<b>Contact Officer</b>
<b>8</b>	Land North West Bicester Home Farm, Lower Farm and SRG2, Caversfield	21/01630/OUT	Bicester North and Caversfield	Approve	Caroline Ford
<b>9</b>	Unit 6, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN	22/02647/F	Kidlington West	Approve	Andrew Thompson
<b>10</b>	Unit 7, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN	22/01683/F	Kidlington West	Approve	Andrew Thompson
<b>11</b>	Oxford Technology Park, Langford Lane, Kidlington	21/02278/F	Kidlington West	Approve	Andrew Thompson
<b>12</b>	Salvation Army, Swan Close Road, Banbury, OX16 5AQ	22/03224/F	Banbury Grimsbury and Hightown	Approve	William Anstey

\*Subject to conditions



**21/01630/OUT**

Agenda Item 8

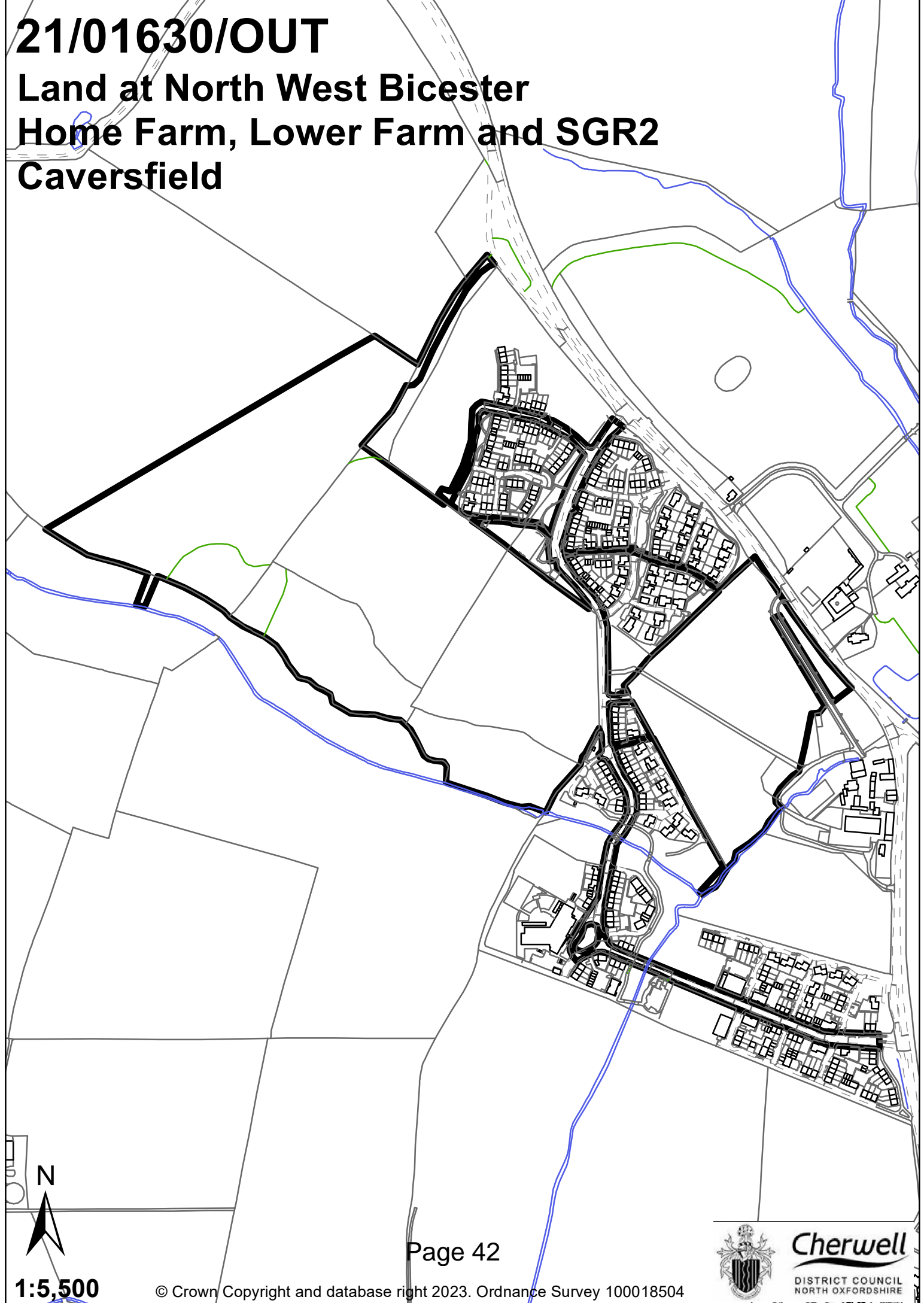
**Land at North West Bicester  
Home Farm, Lower Farm and SGR2  
Caversfield**



**1:6,500**

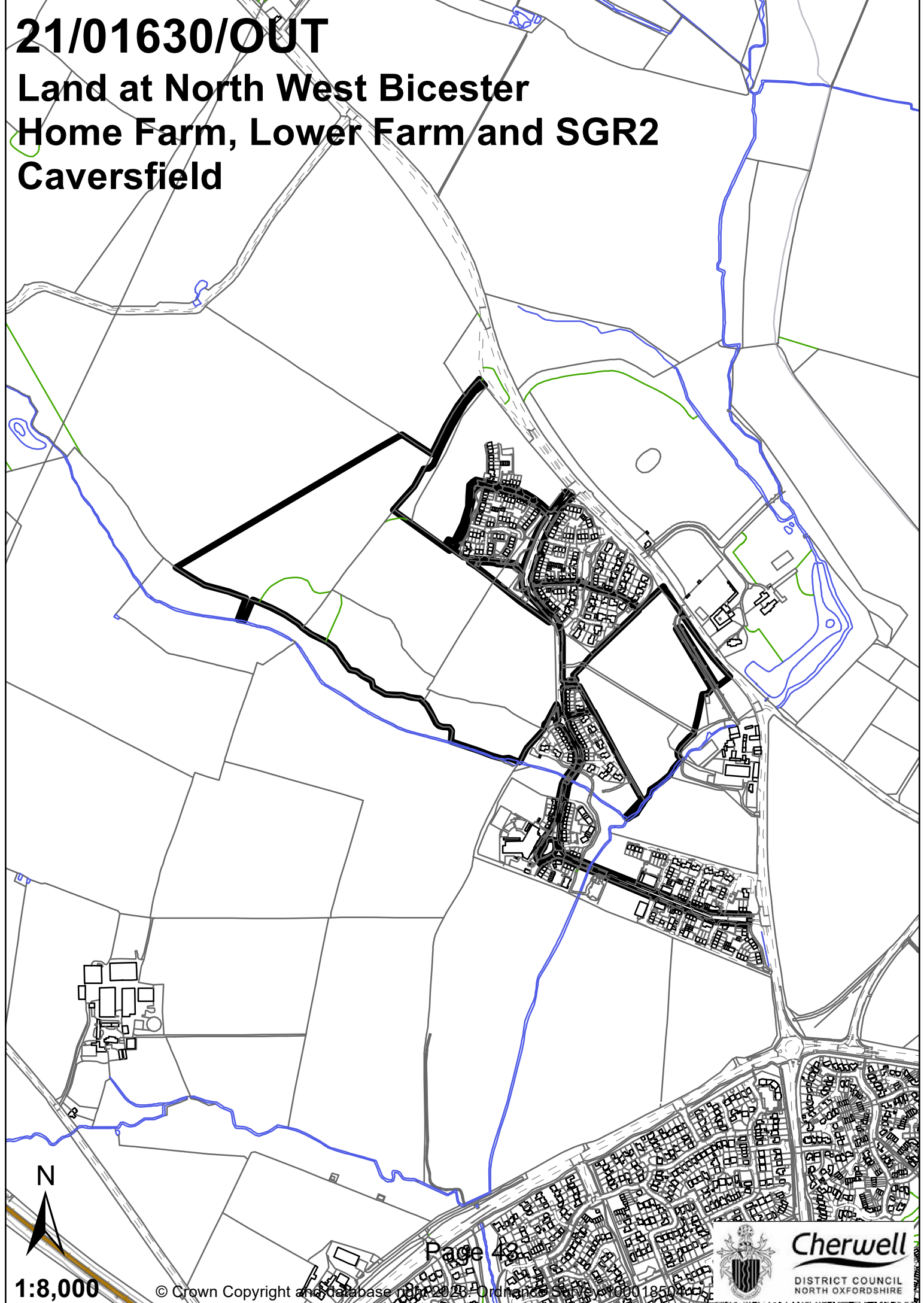
# 21/01630/OUT

## Land at North West Bicester Home Farm, Lower Farm and SGR2 Caversfield



# 21/01630/OUT

## Land at North West Bicester Home Farm, Lower Farm and SGR2 Caversfield



N

1:8,000



**Case Officer:** Caroline Ford / Andrew Thompson

**Applicant:** Firethorn Developments Ltd

**Proposal:** Outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination

**Ward:** Bicester North and Caversfield

**Councillors:** Cllr Mawer, Cllr Pratt, and Cllr Slaymaker

**Reason for Referral:** Major development

**Expiry Date:** 12 December 2022

**Committee Date:** 12 January 2023

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**RECOMMENDATION: GRANT PERMISSION SUBJECT TO THE EXPIRY OF THE CONSULTATION PERIOD, CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is situated to the North West of Bicester and comprises land extending to 23.97ha in area split across two separated parcels of land. However this is extended to 24.2594ha to include two construction accesses to the east of the site. The site forms part of the land allocated by Policy Bicester 1 and it is within the Masterplan for NW Bicester. The two separated parcels of land relate to:
- An eastern parcel extending to approximately 4.68ha
  - A western parcel extending to approximately 15.962ha
- 1.2. The red line site area also includes access to the site meaning that the adopted highway of Charlotte Avenue and Braeburn Avenue are also included within the red line which would be utilised as existing accesses. Both roads are currently not adopted.
- 1.3. The site is characterised as predominantly grassland with fields bounded by hedges with some large trees, woodland and plantation, and is classified as good to moderate value (primarily Grade 3b) under the Agricultural Land Classification system. The west of the Site contains two distinct areas of woodland, and the most northern area of woodland contains a dry pond. There is a historic hedgerow which runs along the north-eastern border of the Site.
- 1.4. To the west and south are principally other areas of the site allocation for North West Bicester Eco-Town which are generally included within the site subject to consideration currently – 21/04275/OUT. Bucknell sits to the west of the site.

- 1.5. To the southeast is the Home Farm Farmhouse complex which also contains various business uses. Caversfield is further beyond to the southeast.
- 1.6. The A4095 and residential areas on the southern side of this road as part of Bicester are to the south.
- 1.7. To the east is the exemplar development as part of NorthWest Bicester Eco Town and beyond this the B4100 and St Lawrence Church. Other elements of the first phases of the Eco Town which include Elmsbrook Forest School and Gagle Brook Primary School, an Eco Business Centre and a community hall which is currently under construction are also located to the south of the application site with residential properties off Charlotte Avenue.
- 1.8. To the north, beyond the application site, is Caversfield House and then agricultural fields which are outside the current allocation.
- 1.9. The Site is undulating rising gradually to the north west with boundaries principally hedgerows which comprise a range of species and quality. The site includes the existing woodland (to be retained as part of the proposals). The highest elevation in the western parcel is approximately 92 m above ordnance datum (AOD) towards the north and the lowest elevation is approximately 85 m AOD to the south east. The eastern parcel slopes in a south easterly direction with ground levels falling from approximately 91 m AOD to approximately 83 m AOD.

## **2. CONSTRAINTS**

- 2.1. The application site is within the North West Bicester Allocated Housing site. There are watercourses running through the south of the western parcel and in a north south direction to the east of the eastern parcel and this area also comprises areas of flood zones 2 and 3. The Grade II\* listed Church of St Lawrence is situated to the north east and the Grade II listed Home Farmhouse to the east. The land has some potential for ecology and is potentially contaminated. A public right of way is located to the north of the site running in an east-west orientation.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. For an outline planning application where EIA is required, the description of the development must be sufficient to enable the requirements of the EIA Regulations to be fulfilled, and in particular, to enable the potential significant effects of the development to be identified.
- 3.2. The Development comprises up to 530 residential units (Use Class C3). The range of residential accommodation within the Development may extend from one-bedroom apartments to five bedroomed detached houses, and all formats in between and will include private and affordable homes.
- 3.3. In the case of the Development, it is stated by the applicant that it would not be feasible to make a detailed application at this stage, however, assuming outline permission is granted and to ensure that as it evolves with the benefit of further approvals (i.e. reserved matters) the applicant submits that 'Development Parameters' have been created and submitted and form part of the assessment.
- 3.4. The applicant submits that the Development Parameters detail all the limits necessary to define and fix those aspects of a development capable of having significant environmental effects. This will enable planning conditions to be drawn up and agreed to control the implementation of the Development.

- 3.5. The Development Parameters (updated by the applicant on 28 March 2022) are considered by the applicant to include:
- Location Plan (ref: 1190-001 Rev J)
  - the location and types of land use including access; and
  - the maximum heights of development as maximum metres Above Ordnance Datum (AOD).
  - the parameter plans – these being:
    - Development Parameter Plan 1: Maximum building heights and footprint (ref: 1192-003 Rev N)
    - Development Parameter Plan 2: Green Space (ref: 1192-003 Rev N)
    - Development Parameter Plan 3: Access and Movement (ref: 1192-003 Rev M)
- 3.6. The majority of the Development will be up to 12m above ground level however parts (primarily at the area in the centre of the site on the principal access road) will comprise buildings with a maximum height of 14 metres above ground level (up to three storeys). Ground levels at the Site are not expected to require extensive remodelling and therefore a 2m variation has been included on the submitted building heights and footprint parameter plan. The applicant considers that taller buildings along the public transport route of Braeburn Avenue in the context of the framework masterplan to increase density and meet the perceived and expected requirements of occupiers in these locations would be appropriate.
- 3.7. Access will be provided into the eastern and western parcel of the Development from four highway connection points, as shown on the submitted plans from existing roads serving Elmsbrook. Pedestrian and cycle connections will be provided at each of the vehicular access points and opportunities for additional connections are allowed for. Safe and attractive environments for walking and cycling will be provided to encourage local journeys to be made sustainably.
- 3.8. The Development includes greenspace as shown on the submitted Green space Parameter Plan. It is stated by the applicant that green space, including retained vegetation, buffers and the landscape and visual mitigation zone will comprise a minimum of 40% of the Site area when the Development is complete. The greenspace is stated to include private gardens (albeit these would be in addition to the 40% requirement), landscaping, and structural planting; drainage; ecological and natural areas; parkland; formal and informal recreation areas; orchards and edible landscapes; allotments; equipped and non-equipped play areas; wetlands and watercourses, water features; flood risk management areas; and natural areas.
- 3.9. In respect of Drainage the applicant notes that the majority of the Site is located within Flood Zone 1 and subsequently at low risk of fluvial and tidal flooding however a small portion of the Site (along the eastern boundary of the eastern parcel) lies within the extents of Flood Zone 2 (at medium risk of flooding) and Flood Zone 3 (at high risk of flooding), associated with Town Brook. The Development Parameters include flood attenuation areas within the green spaces as shown on Multi-Functional Greenspace Parameter Plan. Opportunities for sustainable drainage will be maximised across the Development and the existing topography and proposed landscape corridors provide an opportunity to create a system of swales and ponds to mitigate surface water.
- 3.10. The applicant highlights that the adoption of controlled lighting and implementation of a lighting strategy in accordance with current best practice guidance will ensure that

the potential effects on surrounding sensitive receptors from light spill, glare and sky glow are minimised and reduced to an acceptable level.

- 3.11. Finally the applicant proposes the Development will provide sustainable transport facilities within walking distance and pedestrian and cycling routes that connect to local facilities and will promote sustainable living. A modal shift towards active travel and more sustainable modes would reduce the emissions of greenhouse gases that might otherwise be the case, helping to mitigate climate change.
- 3.12. The applicant notes that the Development will include the following energy efficiency measures, which would also help mitigate climate change: use of air source heat pumps, solar arrays on-site and either off-site solar arrays or carbon offsetting.
- 3.13. It is also submitted by the applicant that the Development includes measures to increase adaptation to climate change. The applicant submits that the Development will include Sustainable Drainage Systems (SuDS) and water efficiency measures to reduce consumption and will include new planting that will provide natural cooling and channel surface water runoff. Buildings will be designed to adapt to climate extremes by reducing water consumption and reducing overheating and improving ventilation.
- 3.14. *Timescales for Delivery.* Development is anticipated to commence as soon as practicable (at the time of submission in May 2021 this was early 2022) subject to gaining planning permission, but the development would be expected by the applicant to have been completed within five years from the granting of planning permission.

#### **4. RELEVANT PLANNING HISTORY**

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

**The site itself has been subject to applications previously:**

*Land North and Adjoining Home Farm Banbury Road B4100 Caversfield (the eastern parcel of the current application site):*

- 18/00484/OUT - Outline planning permission for up to 75 homes, pedestrian and cycle routes, creation of new access point from Charlotte Avenue, provision of open space, play space, allotments, orchard, parking, and associated works. **WITHDRAWN**

*Land to the North of the railway line and south of Elmsbrook (the application site extended to 154.5ha and included the two western fields which form the western parcel of the current application site):*

- 14/01384/OUT - Development comprising redevelopment to provide up to 2600 residential dwellings (Class C3), commercial floorspace (Class A1 - A5, B1 and B2), social and community facilities (Class D1), land to accommodate one energy centre, land to accommodate one new primary school (Up to 2FE) (Class D1) and land to accommodate the extension of the primary school permitted pursuant to application (reference 10/01780/HYBRID). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering, and other operations. **WITHDRAWN**

## **Wider NW Bicester:**

### *Bicester Eco Town Exemplar Site (adjacent to the application site):*

- 10/01780/HYBRID - 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. **Approved July 2012.**
- 19/01036/HYBRID - Full permission is sought for Local Centre Community Floorspace (Use Class D1 with ancillary A1/A3), with a total GIA of 552 sqm, and 16 residential units (Use Class C3) with associated access, servicing, landscaping, and parking. Outline consent is sought for Local Centre Retail, Community or Commercial Floorspace (flexible Use Class A1/A2/A3/A4/A5/B1/D1). **Approved July 2021**
- Other applications have also been dealt with at Elmsbrook including an earlier local centre scheme, a full application for the Eco Business Centre and a full application for a re-design and three additional units relating to Phase 4. Various non-material amendment and condition discharge applications have also been made.

### *Proposal for New Highway Aligned with Howes Lane Bicester*

- 14/01968/F Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure **Granted August 2019**

### *North of the Railway Line*

- 21/04275/OUT OUTLINE - with all matters reserved except for Access - Mixed Use Development of up to 3,100 dwellings (including extra care); residential and care accommodation(C2); mixed use local centre (comprising commercial, business and service uses, residential uses, C2 uses, local community uses (F2(a) and F2(b)), hot food takeaways, public house, wine bar); employment area (B2, B8, E(g)); learning and non-residential institutions (Class F1) including primary school (plus land to allow extension of existing Gagle Brook primary school); green Infrastructure including formal (including playing fields) and informal open space, allotments, landscape, biodiversity and amenity space; burial ground; play space (including Neaps/Leaps/MUGA); changing facilities; ground mounted photovoltaic arrays; sustainable drainage systems; movement network comprising new



highway, cycle and pedestrian routes and access from highway network; car parking; infrastructure (including utilities); engineering works (including ground modelling); demolition **PENDING CONSIDERATION** – this site provides for the remaining land that formed part of application 14/01384/OUT to the North of the railway line plus additional land.

#### *South of the Railway Line*

- 14/01641/OUT Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations **PENDING BUT NOT ACTIVE**
- 14/01675/OUT as varied by 19/00347/OUT and 20/03199/OUT Permitted:
- Minor material amendment to planning permission 14/01675/OUT to vary conditions 6, 7, 8, 9 and 10 to refer to updated parameter plans and temporary access plan; variation of condition 14 to enable delivery of employment development in full in advance of strategic link road; and deletion of condition 20 to reflect removal of temporary access onto Howes Lane (Outline reference number 14/01675/OUT, granted at Appeal - Ref: APP/C3105/W/16/3163551 for the erection of up to 53,000 sqm of floor space to be for B1, B2 and B8 (use classes) employment provision within two employment zones covering an area of 9.45 ha; parking and service areas to serve the employment zones; a new access off the Middleton Stoney Road (B4030); temporary access off Howes Lane pending the delivery of the realigned Howes Lane; 4.5 ha of residential land; internal roads, paths and cycleways; landscaping including strategic green infrastructure (GI); provision of sustainable urban systems (SUDS) incorporating landscaped areas with balancing ponds and swales; associated utilities and infrastructure).
- Applications pursuant to this: Reserved matters 19/00349/REM (completed) and 20/02454/REM (approved December 2020).
- 21/03177/F Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works **REFUSED – APPEAL PENDING**
- 14/02121/OUT OUTLINE - Development to provide up to 1,700 residential dwellings (Class C3), a retirement village (Class C2), flexible commercial floorspace (Classes A1, A2, A3, A4, A5, B1, C1 and D1), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2FE) (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure and other operations (including demolition of farm buildings on Middleton Stoney Road) **GRANTED JANUARY 2020.**

4.2 As part of an Environmental Statement the level of development and surrounding committed developments have been agreed as part of the scoping exercise. This forms part of the Environmental Statement.

## 5. PRE-APPLICATION DISCUSSIONS

- 5.1. The Applicant and their team have had pre-application discussions with Officers in respect of this submission. The Applicant and their team met with the Council in November 2020, and again in February 2021, following initial pre-app discussions which started in late 2019. Further to these discussions, the Council has provided the Applicant with formal pre-application advice. This pre-application discussion included Oxfordshire County Council as Highways Authority. As set out by the applicant in their planning statement, advice has included:
- i. Careful consideration to be given to the relationship of residential development in the Eastern Parcel to both Home Farm and to St Lawrence Church – particularly the views to the latter;
  - ii. In relation to the rural edge of the Western Parcel, to consider whether this could be a softer edge;
  - iii. Would like to understand more about the different character areas identified across the site within the planning submission;
  - iv. Where proposed links are identified between the Site and the Exemplar development, these should be explained, and shown on the relevant Parameter Plan – both vehicular and pedestrian;
  - v. Parking should be provided for any allotment plots;
  - vi. There should be greater clarity on the extent of the maximum building heights and footprint for development within the Parameters, and the view to the Church should be defined further;
  - vii. There will be a requirement for a crossing on the B4100 to the Church, as was proposed through the Home Farm application;
  - viii. The proposals for regional based SuDS on the edge of the development with minimal swales is not considered to be in line with current guidance and best practice, with the expectation being that surface water drainage would be managed in a number of small catchments attenuation features throughout the site. The proposed drainage scheme should mimic the existing drainage regime of the site;
  - ix. Consideration should be given to how the edges of the site close to Home Farm and the Church are handled including with regard to materials;
  - x. The site is not expected to provide employment opportunities, but should consider accessibility and home working opportunities;
  - xi. A Health Impact Assessment should be submitted with the OPA;
  - xii. A biodiversity impact assessment tool should be used, with CDC seeking a net gain of 10% for biodiversity as a minimum;
  - xiii. The SPD identifies that if it is not possible to mitigate for farmland birds on-site then off-site mitigation is required via a financial contribution;
  - xiv. 30% affordable housing must be provided with 70%/30% split (social rented/shared ownership) – with an indicative mix given, subject to confirmation during the application process;
  - xv. Policy BCS4 of the adopted Local Plan Part 1 (2011-2031) for the housing mix for market housing; and
  - xvi. A CEMP, and a Noise Report demonstrating the habitable rooms within dwellings will achieve the noise levels specified in British Standards, will be required.

Guidance was also provided on the S106 required Heads of Terms.

## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for public comments was **07 May 2022** (with respect to public consultation), although comments received after this date and before finalising this report have also been taken into account. The final date following a re-consultation with consultees for comments is the **15 January 2023**.

A total of 204 letters of objection and 12 general comments have been received from residents of the existing Eco-Town, the surrounding areas, including Caversfield, and residents' groups such as Elmsbrook Community Organisation, Bicester Residents Group, Elmsbrook Traffic & Parking Group and St Lawrence District Church Council. Gagle Brook Primary School have also written in objection. It should be noted that some residents and groups have written more than once to the application and additional information that has been submitted during the course of the application. The comments raised by third parties are summarised as follows:

### Principle of Development

- The growth and expansion of Bicester has become too great with too many houses
- Existing facilities cannot cope (e.g. schools, doctors, youth club)
- Bought a house with the promise that the fields would remain fields.

### Transport

#### Traffic Impact

- Accuracy of the transport model and the availability of more accurate data should be considered
- Traffic levels have been underestimated and should use data from surveys carried out in September 2021 and there should be co-ordination between data collected from other sources (e.g. residents' data)
- Covid pandemic has skewed transport data
- At peak times it is difficult to exit Elmsbrook onto the B4100 especially towards Bicester. This results in pollution. Traffic lights at the junction may not resolve the issues.
- The lorries and other vehicles that will access the site as well as other building sites will impact the roads, houses and the conditions lived in.
- The transport impact of the development is incorrect:
  - The model used is questioned.
  - Traffic surveys and monitoring show the original model underestimated trips.
  - Illogical conclusions around the new development compared to Elmsbrook
  - Anomalies due to the construction rate at Elmsbrook
  - There is no modelling of 'bottle necks' on Elmsbrook.
  - There are existing issues with school parking at Elmsbrook. There is a risk to pupils.
  - Charlotte and Braeburn Avenues will not be able to cope. Queue lengths are already around what is predicted for 2031.

- Dangerous for the parking area at the entrance to the eastern parcel.
- Issues with the existing road system on Elmsbrook.
- Impact of construction traffic and these potentially going past schools and houses
- General lack of parking on the Eco-Town
- Other parts of the network will be impacted upon beyond the issues raised in Transport Technical Notes

#### Pedestrian and cycling

- Impact on school safety and people walking to school
- The development does not provide for sustainable transport routes to ensure the minimum 50% active travel target can be met – the footpath from the B4100 to Bucknell does not connect to the proposed development or Elmsbrook.
- Concern over links shown into Wintergreen Fields and Caraway Fields as they do not link to existing footpath routes.
- How will the homes be heated? If they do not intend to use the heat network then impact on existing services needs consideration.
- Services is an issue. Heating and hot water costs are greater than elsewhere in Bicester.
- The Western parcel of land has no pedestrian cycle connections to the west of the road connection and this is a missed opportunity.
- Crossing to the western parcel for construction traffic is of concern. An alternative should be found not to use Charlotte Avenue.
- Access to Caversfield via Fringford Road does not have adequate cycle provision so it is not a safe option. Suggestions made regarding Aunt Em's Lane and how this might enable more connections.

#### Public Transport

- The site intends to make use of the existing sustainable measures on Elmsbrook.
- It is unrealistic to assume people will walk or cycle to local services on Bure Park. Local services should be built as part of the site.
- A bus only section is present on Elmsbrook but this is abused. This issue will become more severe with access proposed either side of the link. Enforcement measures should be put in place.
- The car club referenced is no longer running. This would be a welcome addition.

#### Bicester Eco Town

- The proposals in not meeting the Eco-Town principles, ignore the climate crisis
- The proposal does not meet the requirements of the NW Bicester Masterplan or the Bicester LCWIP.
- Other parcels of land within the Eco Town are currently subject to pending and approved planning applications where the true zero-carbon requirement is respected
- Loss of the green buffer and green spaces shown within the masterplan
- Development profit being prioritised over meeting Eco-Town standards

- The proposals on the Eastern parcel of land were not part of the original NW Bicester Masterplan and these will impact Charlotte Avenue. This parcel should be accessed from the B4100 with walking/ cycle points provided to Elmsbrook to encourage active travel. Construction access is proposed here. Why can it not be permanent?
- Concerned regarding the proximity to Elmsbrook and the density.
- Gas CHP would not be an environmentally friendly option.
- Concerned about non-use of the existing District Heating System
- Housing not in keeping with the existing housing built on Eco-Town
- Overdevelopment of the site at a cost of green space
- The proposals do not meet the 40% green infrastructure requirement due to the loss of planned green space

#### Development Viability

- The viability assessment demonstrates that the proposed development is profitable, just not as much as the developer would like it to be
- Developer profit is being prioritised over the Eco-Town principles
- Land values appear to be high
- Sales values appear to be overly pessimistic
- Eco-Town credentials have a higher sales value and this should be considered
- Development profit should not be accepted.
- If the developer cannot present a viable economic proposal for this land, rather than allow one specific part of the Eco Town to be built in breach of the zero-carbon requirement, it may be appropriate to wait for new construction and energy technology, which would be more efficient and less costly, as there has been rapid progress in this area
- The fact that the applicant, with a much less complex proposed development and without these additional costs, argues that it is not economically viable, while other developers proceed with more complex projects that comply with the environmental requirements, seem to indicate that the applicant has not demonstrated the skills, experience and knowledge required to prepare a proposal that is viable.

#### Wildlife

- General loss of greenery and habitats
- Impact on species through the loss of the green space and trees
- Inadequate space for wildlife due to the overdevelopment of the site

#### St Lawrence Church

- Loss of the Green Buffer shown in the masterplan would impact on the landscape and setting of the Church
- The Church, Home Farmhouse and Caverfield House should be considered cumulatively.
- Impact on the approach and the tower of the Church which is visible to the local landscape
- Archaeology should be carried out based on a precautionary approach
- Need for car parking for church goers.
- There is a need for a crossing to the Church but in the right position

- There is good consideration to providing a sightline to St Lawrence's Church but it remains inaccessible with no crossing or pathway.

#### Public Health

- Number of cars this will generate is of concern in terms of pollution and respiratory issues.
- Proposals will impact on the health and wellbeing of existing residents

#### Other

- Drainage – the current system cannot take more load, this requires more clarification.
- Thames Water response does not address issues drainage or waste water or capacity of services in the long term or beyond 49th dwelling.
- Service charges will go up as the population increased with the implications that will bring.

Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.

In assessing the proposal due regard has been given to local resident's comments as material planning considerations. Nevertheless, decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons

## 7. RESPONSE TO CONSULTATION

- 7.1. 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

- 7.2. CAVERSFIELD PARISH COUNCIL: While the larger western 'block' of units did not have a visual impact on the village, the use of the field nearest the B4100 and therefore nearest Caversfield has caused concern. This is primarily because of the erosion of the "green buffer zone" between Bicester / the EcoTown and the Category C village of Caversfield and the detriment it would have on the village.

Secondly, the setting of the Grade II\* listed church and Grade II Listed farm house (Home Farm) would be greatly affected by the development. There is a historic link between Home Farm, the Church (including the WWII Commonwealth War Graves), Caversfield House and grounds, the land of South Lodge Riding Stables which had already been recognised by Planning Inspector David Nicholson on 27 May 2014 to be of significant import as part of the wider setting, together with the RAF Conservation Area within Caversfield.

As the Planning Inspector said in his report regarding the proposed development on land at South Lodge Riding Stables located just over the road from the current proposal, (reference APP/C3105/A/13/2208385) the main issues on which he rejected the proposal were that:

(a) the character and appearance of the area with particular regard to the built up limits of Bicester and Caversfield, the proposed green buffer gap [which included the area of land of this current proposal] between the planned expansion of Bicester and Caversfield, and housing land supply;

(b) the surrounding landscape;

(c) the setting of the RAF Bicester Conservation area;

(d) the setting of adjacent listed buildings / heritage assets;

(e) the quality of design. The majority of the points above are as relevant to this current proposal as they were to the South Lodge proposal.

The Council believes that development is likely to:

- harm the historic value of the landscape;
- cause undue harm to important natural landscape features and topography;
- have an impact on an area which currently has a high level of tranquillity and
- harm the setting of settlements, buildings, structures and other landmark features of historical importance.

No mention has been made in the plans of promoting access to the Church or ways to assist the Church in embracing the new development.

The more general impact of the traffic on the area was also of great concern. Parents of children who live in Caversfield and attend the catchment school – Gagle Brook – already have great difficulties delivering and collecting their children from school – some of whom have no option but to do so by car as it is simply too far to walk. It does not appear that the traffic model is the most up-to-date and is missing major developments. It also does not appear to take into account the ‘pinch points’ on the current development – the two by the park on Phase 2 and one by the larger park on Phase 3. The impact of these points together with the parking issues by the school are likely to greatly affect the surrounding roads including the B4100. The cycle routes proposed on the existing road structure are also not adequate.

If the Council were minded to approve the development, S106 / CIL funds should be allocated to:

- the E1 bus service in order that it can be fit for purpose (it should run on Sundays and beyond 7pm in the evenings) and should be maintained through Caversfield
- the Church in order that improvements to the access along the B4100 and within the Church curtilage can be made.

- 7.3. BICESTER TOWN COUNCIL: observations – BTC commented that this could be a chance for the developers to use the wild space and ponding to mitigate flooding which currently occurs in this area.

#### CONSULTEES

- 7.4. CDC DESIGN AND CONSERVATION: There are two heritage assets which lie within close proximity to the proposed development, which will impact on their setting. Home Farmhouse is a grade II listed building and the site forms part of the original agricultural landholding associated with the farmhouse. St Laurence’s Church is an

isolated rural church and a grade II\* listed building. The church is separated from the site by the main road (B4100).

Earlier versions of the masterplan for the site show a larger indicative 'buffer' area to mitigate the impact on the setting of the grade II\* listed building of St Laurence Church and grade II Home Farmhouse. The buffer area shown as part of the outline permission is reduced. The precise dimensions of the buffer zone are considered to be less significant than the role it plays in mitigating the impact on the heritage assets.

The majority of open space between the listed building of Home Farm and the development is provided by land outside the site boundary. The buffer zone associated with the development is provided to the frontage of the site and creates a sense of openness between Home Farm and St Lawrence's church, retaining a small element of the historic landscape which once existed. The treatment of this area will be crucial in retaining this element of the significance of the site. It will be important that this area remains as natural and open as possible. There are concerns about locating the play area in this location and if there are no alternative locations this will need to be carefully designed to minimise impact to the setting of the heritage assets.

The Heritage Enhancement Zone, which provides a view corridor to St Lawrence's church is noted. This is considered to be positive, but further details will be required in a reserved matters application about how this will be achieved in practice.

Residential development in the rural setting of heritage assets (in this case a farmhouse and isolated rural church) will inevitably have a harmful impact. In this case the harm is considered to be less than substantial and it is considered that sufficient mitigation has been put in place to minimise the harm.

There is considered to be a public benefit to outweigh this harm as the site has been formally allocated for part of the housing allocation for the district.

There are concerns with the form and location of the proposed pelican crossing immediately adjacent to St Lawrence's Church. This was addressed in an earlier application (18/00484/OUT)

'The proposal for a signalised pedestrian crossing will have a direct, negative impact on the rural setting of the church immediately adjacent to the existing church gate. This will clearly negate the positive aspects of the development including the proposal to have a specific vista within the housing development towards St Laurence Church.

A signalised pedestrian crossing immediately opposite the church is not considered to provide sufficient mitigation for the level of harm caused. If a signalised pedestrian crossing is the only option available it will be necessary to review the proposed location of the crossing away from its current position in close proximity to the gated access to the church'.

It is appreciated that there is a public benefit to provide access to the existing church building, which should lead to greater use of the building, but there is harm to the visual amenity and setting of the building.

Consideration should be given to an alternative location for the crossing or if this is not possible a less visually intrusive form of crossing – making use of differing road / pavement textures and surfaces.

There is a high level of harm to the setting of listed building of St Lawrence's Church (it is considered to be significant, but less than substantial). It is acknowledged that



there is a public benefit to St Lawrence's Church (as it will be made more accessible for people living in the development).

- 7.5. CDC LAND DRAINAGE: Flood Risk/Surface Water Drainage. No further comments at this time. The extent of the development layout and detailed surface water management strategy can only be determined after agreement of the Flood Model. This will determine the limits of the fluvial flood plains and calculate the 1% AEP + 40% Climate Change allowance flood levels through the site.
- 7.6. CDC HOUSING: The outline planning application seeks approval for residential development with all matters reserved except for access. The planning application form indicates that the proposed development will comprise of 530 dwellings of which there will be 371 market dwellings and 111 (approx. 70%) social or affordable rent and 48 (approx. 30%) affordable home ownership dwellings. The accompanying Affordable Housing Statement (dated 21 April 2021 – prepared by Pioneer Property Services Ltd), sets out that achieving 30% affordable housing on this site will be challenging but goes on to suggest that subject to viability testing, there will be 30% affordable housing split as 50% Affordable Rent and 50% Intermediate Housing. The AH Statement provides an indicative affordable housing dwelling mix but sets out that this mix is subject to viability and further discussion with the District Council.
- 7.7. CDC ECOLOGY: The submitted metric and biodiversity impact assessment is generally fine and shows that at a least a 10% net gain in habitats and hedgerows is likely to be achievable. However it is stated that this is not based on the latest layouts and so an updated BIA will be required as layouts are finalised. Any condition to this effect must specify that at least a 10% net gain for biodiversity (as measured by a recognised metric) needs to be achieved on site. As regards the off site farmland bird contribution I do not agree that no contribution is necessary here. This aspect is clearly stated in the SPD and requires all developments within the masterplan area to contribute. This is to help ameliorate the cumulative impact on farmland birds from the whole area of the masterplan - not necessarily to directly mitigate on an individual basis for each patch. The other measures are fine to be included in CEMP, LEMP etc.. though as per my previous comments it should be noted that we would be looking for a minimum of the equivalent of one nesting/roosting provision per dwelling (they don't mention numbers in their text). I could not find any additional submitted information on Great Crested Newts. The Newt Officers comments outlined the options which are either to apply for a district licence prior to determination or show that GCN have been properly accounted for on site (currently the information within the PEA is lacking in terms of ruling out impacts on GCN). The Newt officers comments make this clear in the summary and so more information is required on this for us to fulfil our duties in this regard and to ensure no offence is committed.
- 7.8. CDC ECOLOGY: Following further consideration on this matter, the CDC Ecologist has confirmed that she does not object to conditioning additional GCN surveys in the way suggested by the applicant pre-commencement. Concern remains that should the large waterbody to the East not be able to be surveyed, that we may need to assume GCN presence and they may then need to potentially obtain a licence which may be difficult to do but there is plenty of scope for mitigation on site.
- 7.9. CDC NEWT OFFICER: GCN are present in the local landscape, as indicated by existing records and the Impact Risk Zone mapping for the area. Clusters of breeding and non-breeding ponds are important features for maintaining a population of GCN (providing opportunities for adult newts to breed as well as foraging and sheltering habitat for juvenile and non-breeding adults); therefore a single negative eDNA result from only one of the ponds is not sufficient to rule out the potential for impacts on GCN arising through this development. Because there is a District Licensing Scheme in operation in this area, the developer has two options – either: - Provide an updated

ecological assessment of the site and surrounding landscape to further assess the likely presence/absence of GCN; or - Submit a Nature Space Report/Certificate to confirm the proposed development is capable of being covered by the Council's District Licence and the applicant has entered the District Licensing Scheme. Natural England's guidance to LPAs (Great Crested Newts: District Level Licensing for development projects, Natural England, March 2021) explains that in the red/amber impact risk zone, if the developer has not provided a Nature Space Report/Certificate, the applicant must provide further information to either rule out impacts to GCN, or present further work (including surveys) to assess those impacts and present measures to address those impacts, with appropriate mitigation and compensatory measures. This is to demonstrate to the planning authority that the proposed measures are capable of being granted a licence. If the developer chooses to carry out further survey work, the following should be noted: - The development site contains favourable habitat and considering the size of the site and the potential impact on the population's range and connectivity of the landscape, all ponds on-site and within 500m (not 250m) should be considered for survey and assessment (following guidance set out within Natural England's Method Statement template – contrary to the assertion in the submitted Preliminary baseline ecological appraisal, chapter 2.3.18: Great Crested Newt Habitat Suitability Index (HSI)). - No supporting documentation was submitted with the application in relation to the one pond that was subject to an eDNA survey. This data should be submitted along with any updated ecological assessment for this application.

- 7.10. LANDSCAPE OFFICER: Generally agree with the findings of the LVIA. Because we are relying on the establishment of the structural vegetation of the northern boundary to provide visual mitigation it would be appropriate that this planting is done at the earliest opportunity during the forthcoming planting season, and the developer to maintain and establish it as construction commences.

Play Area Flood Risk 2 As discussed, in respect of play area ref. 04 far southern extremity of the western parcel shown on the illustrative masterplan, it appears that the play area may be subject to flooding in 1:1000 event - refer to Flood Risk Assessment. As such events become more prevalent, this will mean the play area is unusable, a risk to children's health, and subject to cleaning and repairs before it is ready for it to be used again. The play area should be relocated away from the flood zone to avoid these problems.

The DAS indicates the area of minimum natural green space required under Policy BSC 11: Local Standards of Provision- Outdoor Recreation Table 7. The retention of woodland and hedgerows and their green buffers within the context of the development design layout more than meets the open space requirement for this development and positively contributes to the acknowledged 40% green infrastructure of the Ecotown as a whole.

530 residential dwellings triggers, in accordance with the above policy, LAPs, LEAPs, NEAPs and MUGA. The LAP and LEAP are to be located 400 m from the farthest extent of dwellings. The NEAP and MUGA 1200 m from the farthest dwelling. There is already a MUGA built in phase 2 of the Exemplar which is within 1200 m walking distance. It is deemed unnecessary to have another MUGA because this complies with the original Ecotown Masterplan. The play areas within the western parcel meet the 400 m walking requirement and 3 play area locations are appropriate except for the play area location which may flood – refer above – this play area should be relocated.

The 2 play areas in the eastern parcel is also within the 400 m walking distance requirement. The southern-most play area should be a NEAP for older children and this will be within the 1200 m for dwelling on the extremity i.e. the western parcel.

The western parcel's central square play area is a LAP close to housing for accessibility for 2 - 6 years, parents and carers and allows for good surveillance.

The play area in the woodland is not covered by adequate surveillance. This play area may have a social behavioural problem associated with it, especially if the older children are unaccompanied by adults. I recommend an enhanced LEAP with additional area and challenging play equipment for 4 to 8 year old children within and area of 400 + sq metres of play activity, depending of the landscape context.

The western play area near the 'new' structural landscape/site boundary should be a LEAP to ensure the provision for 4 to 8 year olds.

Commuted sums for 15 year landscape maintenance, subject to indexation are sought.

#### 7.11. CDC ENVIRONMENTAL PROTECTION:

Noise – the contents and conclusions of the noise report are agreed. Further details of the glazing and ventilation strategy and a construction management plan should be agreed with the LPA at the detailed design stage

Contaminated Land – The contents and recommendations of the submitted reports are agreed and further work, along with basic radon protection measures should be sought by condition.

Air Quality – The contents of the AQ report are satisfactory. A condition relating to EV charging should be imposed.

Odour – No comments

Light – Details of a lighting scheme should be agreed.

#### 7.12. OCC HIGHWAYS: The development traffic assumed in TN011 is consistent with the revised development traffic distribution, and having re-read TN008 Rev B, I now see that the disparity in queue lengths is because the previous, longer queue related to the earlier surveys which were not carried out on a typical day, whereas the shorter queue related to the repeat surveys carried out in July. A larger adjustment was required to the Junctions 10 model to calibrate it to the July surveys. Therefore I now accept that the predictions of queue length in delay in TN011 are reasonable.

The results show that in the worst case delay would increase by 50% from 6 to 9 minutes average delay per vehicle through the critical junction, comparing the situation in 2026 with and without the development. (This compares to earlier predictions of delays of up to 17 minutes.) In the context of an increasingly urban setting, drivers will become accustomed to congestion on all routes into and around Bicester by 2026, where they may face similar delays. Whilst there is no definition of what constitutes a 'severe' impact, a doubling of delay would in my opinion be severe and even an increase to 9 minutes could be seen as unreasonable. However, although there is currently no certainty of the A4095 realignment being delivered via external funding, there are current development proposals on the land required for the scheme, which means the land can potentially be safeguarded and there is some likelihood of the road eventually being delivered by developers, particularly as the most challenging element of the project, namely the bridge under the railway, has already been delivered.

Therefore although the impact of the development may be felt for many years, it is likely to be temporary, if long-term temporary. As a result I can remove our highway objection on the basis that the traffic impact would not be considered severe, subject to planning obligations and conditions as previously set out

- 7.13. OCC EDUCATION: No objection subject to s106 contributions towards Primary and Early Years, Secondary School and SEN Educational Needs.
- 7.14. OCC WASTE MANAGEMENT: No objection subject to s106 contributions towards the expansion and efficiency of Household Waste Recycling Centres
- 7.15. OCC CHILD SERVICES: No objection subject to s106 contributions towards increased provision at Children's Homes (later confirmed as not being required).
- 7.16. OCC LIBRARY SERVICES: No objection subject to s106 contributions towards Bicester Library including the book stock.
- 7.17. OCC ARCHAEOLOGY: The site is located in an area of archaeological interest as identified by a desk-based assessment, a geophysical survey and a trenched evaluation. These surveys were undertaken as part of a larger development. The geophysical survey and evaluation identified a number of areas of surviving archaeological features including a Neolithic Pit, an area of Bronze Age activity including two possible 'burnt mound' deposits, a number of areas of Iron Age activity and a number of areas of Roman activity. This development will therefore disturb these surviving features and a further programme of archaeological investigation and mitigation will need to be undertaken ahead of any development. An aerial photographic assessment and the geophysical survey has identified a number of rectangular enclosures and other potential archaeological features within this application area which were also confirmed by the evaluation results. These remains are not of such significance to prevent any development, but a further phase of archaeological mitigation will be required ahead of any development of the site. We would, therefore, recommend that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction. This can be ensured through the attachment of a suitable negative condition.

Existing storage facilities based in Standlake will not hold capacity to meet the needs of the development. The mechanism for addressing this need will be met through application of a charge set against the m<sup>2</sup> of archaeological finds generated by the development. Work is in hand to assess the potential for extension of the existing building, the capacity that extension would have, and its capital costs. A mechanism for developer contributions would then be applied through the section 106 process.

- 7.18. LEAD LOCAL FLOOD AUTHORITY: No objection to the outline drainage strategy proposed and its principles outlined in the submitted FRA. As stated in the flood risk assessment, we will expect to see numerous SuDS being utilised on site with justifications provided where it cannot be used. When submitting information for detailed design review stage/reserved matters, calculations must comply with the OCC guidance such that 1 in 1, 1 in 30, 1 in 100 is also provided along with 1 in 100 + 40% CC
- 7.19. OCC FIRE SERVICE: Detailed comments with regard to the provision of fire hydrants, service requirements and other aspects of detailed design and water pressure.
- 7.20. NATIONAL HIGHWAYS ENGLAND: In the case of this development proposal, our interest is in the M40, A34 and A43. Having examined the additional information for this planning application, our response remains the same as that dated 23rd November 2021 when we offered a CEMP and Travel Plan conditioned 'No Objection'.
- 7.21. NETWORK RAIL: No comments

- 7.22. NHS BUCKINGHAMSHIRE, OXFORDSHIRE, BERKSHIRE WEST INTEGRATED CARE BOARD: This PCN area is already under considerable pressure from surrounding planning applications, and this application directly impacts on the ability of these practices to provide primary care services to the increasing population. Primary Care infrastructure is therefore requested to support local plans to have either a new surgery site in the Bicester area, potentially (but not restricted to) Graven Hill site or Kingsmere site, or extension/internal works to Bicester Health Centre. Should these not go ahead for any reason, or in addition to any of the above, the funding will be invested into other capital projects which directly benefit this PCN location and the practices within it. A contribution of £457,920 is therefore sought.
- 7.23. HISTORIC ENGLAND: On the basis of this information, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.
- 7.24. SPORT ENGLAND: Supportive of this proposal therefore does not raise any objections to the granting of planning permission.
- 7.25. BICESTER BIKE USERS GROUP (BicesterBUG): We welcome the improvements that the applicant has made and the effort invested to address the active travel issues with the original application. However we also note that certain inaccuracies and omissions mean that the application is not up to the standard that would be expected.
- General points:
- Segregated paths need to replace shared paths along B4100 between the A4095 and Charlotte Avenue, with horizontal separation (buffers) as per LTN 1/20.
  - Access along the Banbury Road into Bicester needs to be improved, particularly around the junction into Lucerne Avenue. Short length of access along Buckingham Road to Bicester North station also needs to be made suitable for cycling.
  - The proposed Charlotte Avenue traffic lights need to be made suitable for both pedestrians and cyclists. The crossing should not be staggered, and there should be segregated crossings. The refuge island should also be wide enough for the cycle design vehicle.
- 7.26. NATURAL ENGLAND: No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.
- 7.27. BUILDING CONTROL: No comment at this stage
- 7.28. THAMES VALLEY POLICE: Disappointed that crime prevention and community safety still has not been considered or addressed within the application at this point. In order to address this concern I ask that a condition relating to secured by design principles be placed upon the applicant should this application be permitted
- 7.29. ENVIRONMENT AGENCY: The proposed development will be acceptable if conditions are included on the planning permission's decision notice. Without these conditions we would object to the proposal due to its adverse impact on the environment.
- 7.30. CPRE: In summary the CPRE believes that clarity is required around how the challenging target of reducing private car usage can be met. CPRE are keen that the final planning application is future proofed, and given the context of the climate emergency, which is more than just reducing carbon emissions, the final planning

application should be able to both preserve and enhance the current site's biodiversity.

7.31. Elmsbrook Community Organisation (ECO): Does not directly oppose the planned development adjacent to the Elmsbrook Exemplar site, however we have concerns over certain elements of the proposals including access, density, movement of traffic, suitable sustainable travel provision, visitor parking and drainage.

7.32. BIOREGIONAL (CDC ADVISORS ON SUSTAINABILITY):

- The energy strategy does not provide detail on how the True Zero Carbon requirement would be met. Indicative carbon balance information should be presented to provide assurances on this. There should be commitments made around build standards, carbon offsetting.
- The existing energy centre is gas and so any source of heat from natural gas would likely fail to meet Building Regulation requirements.
- No details are provided on how the scheme achieves Building for a Healthy Life
- Water efficiency targets should be set
- There is no mention of real time public transport information/ superfast broadband provision
- Is 40% Green Infrastructure to be provided? Would green roofs be included? Buffer zones from key GI features should be provided. How can areas be multi-functional?
- Reliance of wider Elmsbrook facilities is made. S106 contributions should be secured.
- There is no mention of proposals for the Local Management Organisation.
- There is no mention of how the aspiration to water neutrality will be met/ whether there are opportunities from the Ardley EfW.
- There is no obvious reference to waste targets for construction/ operational phases.
- Sustainability credentials for local sourcing and embodied carbon should be committed to.
- There should be a commitment towards climate change adaptation and assessment of overheating.
- Active travel and details of safe walking routes should be a key part of the scheme and local food growing opportunities to contribute towards a sustainable lifestyle.
- All homes should be within 400m of bus stops. EV charging should be included.
- Properly segregated cycle paths should be included to enable active transport modes.
- A contribution towards offsite provision for farmland birds should be made.
- Parts of the eastern parcel lie within an area identified as green space within the SPD.
- All flood risk mitigation should include appropriate allowance for climate change.

- Further detail on U values could be provided to ensure fabric efficiency is a key part of the scheme.
- The energy statement has considered decentralised energy systems, district heating and the feasibility of on site renewable energy systems that would be deliverable and forms part of the proposed development.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- 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
- ESD13: Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment

- ESD17: Green Infrastructure
- Bicester 1: North West Bicester Eco-Town
- Policy INF1: Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR10 - Heavy Goods vehicle
- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV12 – Development on contaminated land

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Town and Country Planning Act 1990 (as amended)
- The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- Environmental Impact Assessment Regulations 2017 (as amended)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- DfE - Securing developer contributions for Education - November 2019
- North West Bicester Supplementary Planning Document 2016

## **9. APPRAISAL**

### 9.1. The key issues for consideration in this case are:

- Principle of development
- Bicester Eco-Town (North-West Bicester)
- Design, and impact on the character of the area
- Access and Relationship to other sites
- Density, Space Standards and Housing Mix
- Heritage impact
- Ecology impact
- Trees, Hedgerows and Green Infrastructure
- Drainage and Flood risk
- Ground Conditions, Noise and Air Quality
- Planning Obligations and Viability



- The Environmental Statement
- The Planning Balance and Conclusion

## Principle of Development

### *Policy Context*

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 (Part 1), the adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford’s Unmet Housing Need, the saved policies of the Cherwell Local Plan 1996 and a number of Neighbourhood Plans.
- 9.3. Paragraph 60 of the NPPF sets out that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 9.4. Further Paragraph 68 states that planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability.
- 9.5. It is also stated within Paragraph 73 that the supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way.
- 9.6. Paragraph 73 includes a number of criteria which include that large-scale development should:
- a. consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;
  - b. ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
  - c. set clear expectations for the quality of the places to be created and how this can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community.
- 9.7. The Cherwell Local Plan’s spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester with limited growth identified in the rural areas but with land allocated at Former RAF Upper Heyford. Policy BSC1 identifies the district wide housing distribution with Bicester identified to accommodate just over 10,000 new homes during the Plan period. Policy ESD1 also identifies that this spatial strategy (in distributing growth to the most sustainable locations as defined by the Plan) is a key

part of the measures that will be taken to mitigate the impact of development within the District on climate change. There are 13 strategic allocation sites at Bicester, most for mixed use, residential led development, some for wholly commercial development and some relating to the town centre.

- 9.8. Policy Bicester 1 is an allocation for a new zero carbon, mixed use development including 6,000 homes.

#### *Assessment*

- 9.9. It is recognised that the application proposals are part of the large-scale allocated site as part of the North-West Bicester Eco Town (Policy Bicester 1) and the allocation is supported by the North-West Bicester Supplementary Planning Document.

- 9.10. The SPD sets out that North-West Bicester will be a neighbourhood unlike any other in Bicester - a development that demonstrates the highest levels of sustainability. Residents who move to North-West Bicester will be making a lifestyle choice to live in efficient modern homes built to the highest environmental standards with excellent access to the town centre, public transport and adjoining countryside. The site offers a unique opportunity to bring about a sustainable large-scale development as part of the extension of the existing town with a comprehensive mixed use scheme designed and constructed to the highest environmental standards, bringing a mix of homes, offices, shops and easily accessible open space.

- 9.11. In summary, when fully delivered, North-West Bicester will provide:

- Up to 6,000 “true” zero carbon homes;
- Employment opportunities providing at least 4,600 new jobs;
- Up to four primary schools and one secondary school;
- Forty per cent green space, half of which will be public open space;
- Pedestrian and cycle routes;
- New links under the railway line and to the existing town;
- Local centres to serve the new and existing communities; and
- Integration with existing communities.

- 9.12. It is clear therefore that the expectation of the policy is to deliver high quality and higher levels of sustainability in construction with this aim being at the core of the policy. The policy and supporting guidance also set out key infrastructure necessary and a co-ordinated approach is outlined through the development of the masterplan within the SPD to ensure a comprehensive development. The remainder of this report sets out the consideration of detailed matters.

#### *Conclusion*

- 9.13. The NPPF encourages in paragraph 11c) to approve development proposals that accord with an up-to-date development plan without delay.

- 9.14. The District has a published housing land supply of 3.8 year housing land supply for the period 2021-2026 and a 3.5 year housing land supply for the period 2022-2027 (commencing 1 April 2022). The Council cannot currently demonstrate a five-year housing land supply. As such Paragraph 11(d) of the NPPF is engaged.

- 9.15. Paragraph 11(d) sets out that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.16. In principle the application and the associated Environmental Statement is, subject to the consideration of detailed matters within the scope of the outline planning application parameters, considered appropriate as an allocated site and the Council's published housing land supply position. Detailed matters in respect of the Development Parameters presented are discussed below.

#### Bicester Eco-Town (North-West Bicester)

##### *Policy Context*

- 9.17. Policy Bicester 1 sets out the basis for the site allocation in the 2015 Local Plan. Its broad vision is that the development over 390 hectares will be a new zero carbon mixed use development including 6,000 homes will be developed on land identified at North-west Bicester. Planning permission will only be granted for development at North-West Bicester in accordance with a comprehensive masterplan for the whole area to be approved by the Council as part of a North West Bicester Supplementary Planning Document.
- 9.18. The proposed development generally complies with the Masterplan for NW Bicester apart from the extent of development on the eastern parcel which is addressed further below.
- 9.19. A key requirement at NW Bicester is to achieve a new zero carbon development. The definition of zero carbon in eco-towns is that over a year the net carbon dioxide emissions from all energy use within the buildings on the eco-town development as a whole are zero or below. This therefore includes unregulated as well as regulated emissions. The SPD and Policy have not specified the way in which development must meet this standard to enable flexibility in approach and to reflect changes that might occur over the life of the development in order to meet the highest standards available at any time.
- 9.20. Policies ESD2, ESD 3 and ESD5 of the Development Plan, are noted in the context of development plan aspirations for development outside the Eco-Town allocation.
- 9.21. Other Eco Town standards relate to ensuring that the site:
- incorporates best practice on tackling overheating and to tackling the impacts of climate change (the main risks for which are identified as overheating and water stress),
  - provides for homes to meet high standards of fabric energy efficiency and designed to high environmental and space standards as well as to provide a range of house types and sizes to meet needs and to be adaptable and flexible for residents to work from home. 30% affordable housing to meet local needs is required,
  - provides for employment by being supported by an economic strategy to demonstrate how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/ or public transport,
  - to be ambitious in terms of transport by achieving high levels of modal shift, to promote sustainable modes of transport and contributes towards the

achievement of healthy lifestyles by providing facilities to contribute to wellbeing, for green spaces and allotments to be provided and to enable residents to make healthy choices easily, to make provision for future modes of transport (i.e. electric vehicles) and to make sure that sufficient transport infrastructure is in place to serve the development,

- provides for community facilities and local services provided within proximity to homes to enable walkable neighbourhoods and to encourage sustainable travel initiatives,
- the provision of green space and infrastructure as a distinguishing feature of the site making it an attractive place to live and to provide for 40% Green Infrastructure across the site with spaces being multi-functional and to provide for a range of green spaces. Sports pitches to form part of the overall requirement,
- provides for tree planting, responds appropriately to the development edges and to hedgerow and stream corridors through the site (with 20m buffers provided to hedgerows, 60m buffers to watercourses) as well as dark corridors provided for nocturnal species,
- appropriately mitigates for and enhances biodiversity to ensure a net biodiversity gain. Contributions are identified to mitigate for farmland birds as it is not possible to mitigate for them on site,
- is ambitious with regard to water efficiency with the ambition of achieving water neutrality by demonstrating efficient use and recycling of water to minimise additional demand,
- to incorporate sustainable urban drainage systems to minimise the impact of new development on flood risk,
- includes proposals to be ambitious with regard to waste to ensure it is sustainably dealt with and to divert waste from landfill. Zero construction waste to landfill from construction, demolition and excavation should be targeted,
- to contribute towards proposals for long term governance structures across the site to ensure that appropriate governance structures are in place, to ensure there is continued community involvement and engagement, to ensure development meets eco-town standards and to maintain community assets,
- to contribute towards the cultural enrichment of the site to create a culturally vibrant place through high quality design and community engagement.

9.22. The Ministry of Housing, Communities and Local Government (MHCLG) (now the Department for Levelling Up, Housing and Communities DLUHC) published the Future Homes Standard consultation on 1 October 2019. This has resulted in recent changes in particular to Building Regulations Approved Document F (Ventilation) and Approved Document L (Conservation of fuel and power), Approved Documents O (Overheating) and Approved Document S (Infrastructure for the charging of electric vehicles) with further changes expected and necessary to meet the Future Homes Standard at 2025 and beyond.

#### *Assessment*

9.23. The applicant submits within their submission that the key principles for the Proposed Development to deliver the energy hierarchy but not to deliver True Zero Carbon Development citing financial viability and cost as a principal reason. The development however includes:

- a proposal to go beyond the current Part L of the Building Regulations to align with the anticipated future changes (as part of the Future Homes Standard).

- to incorporate measures to reduce energy demands and supply energy efficiently in line with the energy hierarchy. Incorporate a high standard of energy efficiency measures into the design and aspire to achieve improvement over Part L 2013 (Policy ESD3).
  - to incorporate low carbon and/or renewable energy technologies for energy generation (Policy ESD5).
  - to integrate measures into the design that will support mitigation and adaptation to the anticipated effects of climate change (Policy ESD2).
- 9.24. The applicant's submission has therefore considered anticipated changes in Part L of the Building Regulations to reflect electricity grid decarbonisation that are likely to result in a shift towards electric-led heating strategies (rather than gas) in the coming years. Furthermore, the Government has indicated that gas may be banned as a heating source from 2025. In line with this, the submission shows that CO2 emissions arising from the Proposed Development are expected to decrease by circa 75% within the predicted scenario compared to the baseline of Part L 2013. However, the application makes no firm commitment to these elements if not introduced through national regulations albeit through discussions relating to the financial viability of the scheme, it is proposed to ensure that the development would be built to the Future Homes Standard (as far as it is understood at this time).
- 9.25. The applicant also highlights that a series of design principles to increase energy efficiency have been considered through careful masterplan design. In accordance with the energy hierarchy, the Proposed Development will seek to adopt a "fabric-first" approach to building design (enhancing the performance of the components and materials that make up the building fabric itself, such as improving insulation and reducing cold bridging), before considering the use of Mechanical Electrical Plumbing (MEP) services systems and renewable/ low carbon technologies.
- 9.26. In accordance with Policy ESD4, a preliminary assessment of district heating feasibility has been undertaken. Connection to the existing heat network is likely to risk the project failing Part L of the Building Regulations in 2021. It is understood that SSE Enterprise are currently assessing how their infrastructure can be decarbonised to meet Building Regulation compliance.
- 9.27. There is also a 'suite' of 'building-specific' technologies that could potentially be deployed at the Proposed Development. Policy ESD5 suggests that significant on site renewable energy provision will be required for developments above 100 dwellings where this is feasible. At this stage, the most suitable technologies are anticipated to be roof-mounted photovoltaic solar panels (PV), solar water heating systems (or solar thermal) and heat recovery technologies (e.g. wastewater and air heat recovery). Air source heat pumps are likely to feature prominently in any electric led heating strategy. There may also be potential for ground/water source heating solutions, subject to further geological investigation and the detailed building designs.
- 9.28. Opportunities for incorporating emerging technologies to actively manage the generation and use of energy, including active network management and broader 'smart' energy concepts have been considered including thermal and electric batteries.
- 9.29. All opportunities identified here must be subject to thorough technical feasibility and financial viability assessment. The final energy strategy for each phase will be detailed at the RMA stage and secured through a S106 obligation and demonstrated through full Building Regulations (Part L) calculations for Building Control.

### *Conclusion*

- 9.30. The summary of the Applicant's Technology Appraisal for Zero Carbon Homes within the application are:
1. Over the next five years the greatest influence on carbon emission reduction potential of new homes will be the decarbonisation of grid electricity. The adoption of electric led heating approaches on each housing unit offers the maximum carbon benefit.
  2. Zero carbon homes and Code Level 5 can be achieved through a combination of Future Home Standard and solar generation.
  3. New homes will fail Part L of the Building Regulations if they are connected to a heat network supplied by gas boilers and CHP beyond 2021.
  4. If true zero carbon cannot be delivered on site, offsetting or offsite renewable energy project will be required. The offsite location could accommodate all the renewable energy generation for the development within a single location.
  5. Decarbonisation of the heat network is critical to achieving minimum compliance to the Building Regulations and reducing the need for offsite renewable generations.
- 9.31. It is recognised that since the adoption of the Development Plan in 2015 the standards of sustainability in construction have been improved at national level through Building Regulations and that further changes are expected by 2025 and beyond.
- 9.32. However, in light of recent volatility in national Government whilst progress has been made, the commitment to the Future Homes Standard cannot be guaranteed and the applicant does not make the commitment as to what will be delivered if national changes to Building Regulations are not brought forward although it is understood that they would target the Future Homes Standard based upon current understanding of what that would be.
- 9.33. The Applicant does, through the viability process, offer a contribution based upon £60 per tonne of carbon per year for 30 years to offset the remaining carbon that they are unable to offset on site. The Council does not currently have a basis for charging such a contribution or therefore a justifiable basis for the cost of any contribution per tonne or a scheme to spend this contribution. In addition, Bioregional who advise the Council on sustainability matters relating to NW Bicester and who have been involved in reviewing the viability case, firstly identify that the calculation of the figure offered is inconsistent but secondly that the £60 per tonne figure would likely not be sufficient because it was based on data that has since changed. Their advice is that a more sophisticated approach to calculation by applying a regression to reflect the projected decarbonisation of grid electricity (which would reduce the amount of carbon that needs to be offset over the 30 years) but with the cost increasing each year to reflect the cost of abatement and inflation which would more closely enable any contribution to offset the required level of carbon. The value offered by the applicant could be safeguarded for use on site to improve the standard of the development and the technology included to provide for benefits beyond what is likely to be the Future Homes Standard.
- 9.34. The applicant also submits that implementing True Zero Carbon would impact further on financial viability and ability to deliver affordable housing or s106 contributions. This is discussed further below.

- 9.35. As such, whilst the development would be higher than the baseline at the time of the adoption of the Development Plan policy, the proposals would not meet the aspirations of Policy Bicester 1 and the allocation as it would not meet the true zero carbon requirements. There is conflict with Policy Bicester 1 in this respect.

#### Design, and impact on the character of the area

##### *Policy Context*

- 9.36. Policy ESD13 sets out that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause undue visual intrusion into the open countryside or harm the setting of settlements, buildings, structures or other landmark features. It also identifies that opportunities will be sought to secure the enhancement of the character and appearance of the landscape.
- 9.37. Policy ESD15 identifies that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. It includes various specific points to ensure development respects the character of the built and historic environment.
- 9.38. Policy Bicester 1 sets out various key site-specific design and place shaping principles relating to the wider allocated site. It seeks to secure a well-designed approach to the urban edge, to respect the landscape setting and to carefully consider open space and structural planting around the site.
- 9.39. Policy Bicester 1 and the associated Supplementary Planning Document (SPD) sets out a masterplan vision and context for the whole NW Bicester development with Howes Lane and Lords Lane forming the urban edge to the site and the interface with the existing town. Middleton Stoney Road forms the western edge and the interface with Bignell Park, historic parkland in private ownership. Banbury Road forms the eastern edge to the proposed development with Caversfeld House and the Church of St Lawrence beyond. The northern edge of the site area is rural and cuts through existing field boundaries. This edge requires sensitive treatment in order to lessen the impact on the surrounding countryside. St Lawrence's Church is an important local landmark building (Grade 2\* listed). Its setting is important in the local landscape. The SPD confirms that the setting of St Lawrence's Church, Himley Farm Barns and Home Farm are key considerations for any development in the area. It finds that this setting is currently defined by underdeveloped agricultural land with associated rural qualities, in turn allowing views from these areas to the Church tower such that built development without adequate buffers would be incongruous.
- 9.40. The Council's SPD includes a masterplan as a key component to ensure that infrastructure and design quality will be delivered in a comprehensive manner. The masterplan shows the site boundary, proposed land uses, existing woodlands and hedgerows, watercourses and ponds, proposed woodlands and hedgerow buffers; water corridor buffer zones, a nature reserve and country park, a burial ground, site access points from the highway network as well as indicative primary and secondary routes; and the proposed realignment of Howes Lane.
- 9.41. The SPD sets out the following design principles that should guide the preparation of proposals on the site:
- Sustainability – a key driver in the design of the eco-town and a fundamental principle in achieving a zero-carbon development - the layout of the site and individual buildings should reduce the use of resources and carbon dioxide emissions;

- Character – somewhere with a sense of place that responds positively to the area as a whole;
- Integration – within the site but also with the surrounding town and countryside;
- Legibility – a place which is easy to understand and navigate;
- Filtered Permeability – achieving a form of layout which makes for efficient movement for pedestrians, cyclists and public transport provision while accommodating vehicles, and ensuring good connections with its surroundings;
- Townscape – utilising building height, scale and massing, and design detail and
- Landscape and green infrastructure including green space – a place which responds to its landscape setting, historic landscape and field boundaries incorporates buildings in a quality landscape setting.
- Proposed development should be sensitive to the existing landscape and townscape character whilst creating a unique image for the eco-town.

*Parameter Plans and Development Principles*

9.42. As many elements are reserved for future consideration, the outline application is defined through the submitted Development Principles Document and the three Parameter plans.

- Development Parameter Plan 1: Maximum building heights and footprint (ref: 1192-003 Rev N)
- Development Parameter Plan 2: Green Space (ref: 1192-003 Rev N)
- Development Parameter Plan 3: Access and Movement (ref: 1192-003 Rev M)

9.43. The applicant states that built development footprint shall be restricted to the areas shown on the Building heights and footprint parameter plan, with the exception of the categories below.

9.44. Within the areas of Multi-functional Green Space and the Landscape and Visual Mitigation Zone (on the Multi-Functional Greenspace Parameter Plan and paragraph 7.5), there will be no residential built form, and no built development will be permitted other than:

- i. Sustainable Drainage Systems
- ii. Existing fluvial flood storage;
- iii. Surface water attenuation;
- iv. Structural planting;
- v. Landscaping;
- vi. Land sculpting;
- vii. Artwork, sculptures, and signage;
- viii. Means of enclosure;



- ix. Footpaths and cycleways and their associated apparatus;
  - x. Utilities and apparatus;
  - xi. Development related to open space and recreation, including play equipment, allotments, orchards, and edible landscapes;
  - xii. Creation of roads (including driveways) and footpaths that may need to cross the Zones in order to provide connections for the built development; and
  - xiii. Creation of ecological habitats including wetland, wildflower meadows, scrub, species-rich grassland, woodland.
- 9.45. Within the areas of Retained Vegetation, which are located within the Multi-functional Green Space, there will be no residential built form, and no built development will be permitted other than:
- i. Some surface water drainage;
  - ii. Informal footpaths and their associated apparatus;
  - iii. Artwork, sculptures, and signage;
  - iv. New planting and management of existing vegetation;
  - v. Means of enclosure; and
  - vi. Any works associated with the potential uses of any part of the woodland area for educational purposes whilst maintaining the natural feel and biodiversity of that woodland.
- 9.46. Efforts have been made through the above text and, latterly, the proposed parameter plans have been amended to be consistent with elements of the overall vision. The applicant team have confirmed that these changes have not resulted in any changes to the conclusions of the ES.
- 9.47. Whilst the comments of the LLFA are noted, the use of four areas for surface water attenuation ponds is not in keeping with the overall masterplan and landscape context which envisioned Sustainable Drainage being delivered also through other more designed approaches such as swales. The parameter plans identify four locations for attenuation basins but a drainage strategy for the site will be required via condition as advised by the LLFA.
- 9.48. The use of the area to the eastern edge, closest to the development edge with St Lawrence Church and Home Farm Farmhouse, was also envisioned to be greenspace as part of the setting to the two listed buildings. The proposal includes significant development in this area and a much smaller area of open space than envisioned in the masterplan and the SPD. However discussions with Conservation colleagues have indicated that there is no issue with the setting of the listed buildings in respect of the development proposals.
- 9.49. It is also noted that the greenspace is generally to the edges of the development (albeit detailed indicative work does demonstrate green spaces throughout the internal area of the development), and whilst a matter of detail, particular concern is raised to the indicative locations of the play areas which appear in constrained areas of greenspace and without appropriate designed relationships to the neighbouring dwellings. National guidance advises that in order to achieve a satisfactory relationship Local Equipped Areas of Play should have a buffer zone of 20m

(minimum) from residential properties. Play areas would also not be appropriate within areas at risk of flooding due to the time that they may be unavailable. Appropriate details would need to be safeguarded through conditions.

- 9.50. Overall whilst meeting the technical requirement for 40% of the development for green space (of which half should be publicly accessible), this is achieved through the inclusion of the retained woodland and area around the River Bure rather than adherence to the landscape and design principles of the Council's Masterplan, however Officers conclude this is acceptable.
- 9.51. Conditions would be required to ensure that the detailed designs comply with the Development Parameters to ensure that the development complies with the scope of the development assessed via the Environmental Statement.

#### *Assessment*

- 9.52. The applicant's Design and Access Statement identifies that Bicester block structures and spaces are characterised by its historical evolution through a grid layout, higher densities at the village centre, a modern interpretation of rural farmsteads.
- 9.53. A variety of materials and styles reflect the rich heritage of Bicester and its surrounding villages. Simple geometry for windows with lintel detailing, sash and casement windows for example are highlighted as styles likely to be reflected as discussed in the applicant's Design and Access Statement. However, there would be an expectation that a Design Code would be sought via planning condition to secure a suitable basis for the delivery of the site through reserved matter applications taking into account the ambitions for the site.
- 9.54. The applicant also states in their Design and Access Statement landscape and public open space at Bicester are characterised by village greens and recreational grounds, growing spaces such as allotments and community orchards, verges including mature trees on historic streets, landscape corridors and overlooked recreation space.
- 9.55. However, the existing development on the wider site is more contemporary in nature and with strong continuous frontage to streets and the proposals should form important character traits established in previous permissions and development in particular to the principal road frontages.
- 9.56. Whilst being a Reserved Matter, the Design and Access Statement sets out a reflective design approach which indicate that the proposals could, through a clear design code and design led approach, deliver an appropriate development and urban grain.

#### *Conclusion*

- 9.57. The use of the eastern area for development, where previously this was open space would cause concern and the northern boundary and buffers to the Brook and retained woodland also needs further design work but this can be dealt with through Design Coding.
- 9.58. As the proposal is in outline, the broad nature of the parameter plans are a matter which needs to be carefully considered, with landscaping, layout and scale all matters which need further approval through the Reserved Matters. The Environmental Statement and the documents associated with the planning application are more robust.
- 9.59. As such, the proposals would need to be carefully conditioned, if approved, to safeguard the principles of the masterplan and policy guidance. Officers are generally

content that the information included on the proposed parameter plans alongside the ES information and to be secured through condition provide a sufficient basis for future development at the site.

#### Access and Relationship to other sites

##### *Policy Context*

- 9.60. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.
- 9.61. Policy Bicester 1 and associated guidance rely on delivering the phases of development in a co-ordinated and comprehensive manner to the delivery of infrastructure.

Guidance sets out that key considerations for movement are to be addressed in planning applications, with a key requirement to achieve modal shift to enable at least 50% of trips originating in the development to be made by non-car means with the potential for this to increase to 60%, are as follows:

- Reducing car dependency;
- Prioritising walking and cycling;
- Generating activity and connectivity;
- Highway and transport improvements including Howes Lane and Bucknell Road; and
- Bus priority and links and infrastructure including Real Time Information

- 9.62. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code. The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.

- 9.63. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.

- 9.64. It is considered in guidance that planning applications and proposals should:

- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
- Demonstrate how Sustrans design manual guidance has been incorporated;
- Address and ensure connectivity along the major routes;
- Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.

- 9.65. The NPPF also sets out at Paragraph 104 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a. the potential impacts of development on transport networks can be addressed;
  - b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c. opportunities to promote walking, cycling and public transport use are identified and pursued;
  - d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
  - e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
- 9.66. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.67. Paragraph 111 of the Framework also stipulates 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.
- 9.68. There is as yet no defining case or assistance from the NPPF or PPG which deals with the meaning of "severe" or how decision makers should address the issue.
- 9.69. An appeal decision ref: APP/D3315/W/16/3157862 helpfully summarised these approaches and provides as a useful reference point for decision makers at appeals on this vexed issue.

Herewith some relevant extracts with emphasis added:

*(paragraph 34) **“the term ‘severe’ sets a high bar for intervention via the planning system in traffic effects arising from development, stating that: ‘The Council agreed that mere congestion and inconvenience was not sufficient to trigger the ‘severe’ test but rather it was a question of the consequences of such congestion”***.

*The Inspector also considers (paragraph 25), **that the queuing of vehicles is a relevant matter in looking at cumulative impact of development on the local highway network.***

- 9.70. In assessing that impact other factors which have been considered in appeals include:
- increase in the number of vehicles likely to be generated by the proposed development in relation to the capacity of the road to accommodate such an increase, both in terms of free-flow of traffic and highway safety.
  - the ability for pedestrians to cross the main road conveniently and safely; and
  - the ease of vehicles to gain access to the main road from side streets and access points.
  - the nature of vehicles (e.g. where vehicles are long/or slow moving) using the proposed accesses

9.71. The above is not an exhaustive list but aims to focus matters where there is proven appeal cases where severity of impact has been discussed.

#### *Assessment*

9.72. The NW Bicester site as acknowledged by Policy Bicester 1 and the NW Bicester SPD identifies that changes and improvements to Howes Lane and Lords Lane are required alongside the (newly installed) vehicular bridge, in improving the Howes Lane/ Bucknell Road/ Lords Lane junction which is constrained in transport terms. The purpose of the realigned road is also to provide an environment which is safe and attractive to pedestrians and cyclists as well as contributing to the place shaping requirements at NW Bicester by being a strategic route for the town which is an urban boulevard for the development and to be a focal point for the community.

9.73. The application site is situated to the north of the route for the realigned road and the applicant has no control over land required to deliver it. However, the site is impacted by the requirement for the road due to the transport constraints within the wider area.

9.74. Earlier transport work at NW Bicester identified that there was some (limited) capacity for development to be undertaken at the site prior to the delivery of the realignment of Howes Lane but that beyond this, the realignment of the road, to resolve the existing constraints was required. This has resulted in two planning permissions for the wider NW Bicester site being approved subject to a Grampian condition relating to the delivery of the strategic infrastructure.

9.75. Until the end of 2021, this earlier work had been relied upon as a reasonable indication of transport impact because, until that point, there had been a level of certainty that the realigned Howes Lane would be provided within a reasonable timeframe. This was based upon Oxfordshire County Council having progressed the delivery of the strategic infrastructure including in delivering the two structures under the railway line utilising forward funding and progressing the detailed design for the road infrastructure with the intention to deliver the project using Oxfordshire Growth Funding.

9.76. Subsequently, the Oxfordshire Infrastructure Advisory Group advised the Future Oxfordshire Partnership on 23 November 2021 of proposed changes to the infrastructure funding allocation from the Housing and Growth Deal.

*“The A4095 alignment in North-West Bicester was proposed to be removed and the funding instead allocated to the Lodge Hill diamond interchange in north Abingdon. This would enable more housing to be accelerated. It was clarified that this would be a decision for Oxfordshire County Council. The Infrastructure Advisory Group were also looking to meet with a representative from the UK Infrastructure Bank when it was set up.*

*Panel members commented that whilst the decision to move the funds to Lodge Hill on this occasion can be understood, there would be disappointed groups, and a*

*request was made that alternative sources of funding be identified as early as possible for the A4095 alignment. This infrastructure was considered very important for existing residents too, and not just for the homes that were due to be built.”*

- 9.77. The Future Oxfordshire Partnership resolved to support continued efforts to identify funding for the A4095 [Howes Lane] re-alignment work.
- 9.78. On this basis, there is now no certainty of the delivery of the strategic infrastructure so Oxfordshire County Council have advised that the earlier work seeking to establish potential capacity in advance of the strategic infrastructure cannot be relied upon. That earlier work was based upon an older version of the Bicester Transport Model which did not include Heyford in its assumptions. The Bicester Transport Model has since then been further updated to reflect a new scenario without the realigned road in place by 2026.
- 9.79. In the current circumstances, Officers have previously advised that it would not be possible to impose a Grampian condition and this applies with respect to this site too. This is because the Planning Practice Guidance provides guidance on the use of Grampian Planning Conditions and advises that such conditions (which prohibit development or a certain trigger point of a development happening (i.e., occupation) until a specified action has been completed (i.e., the provision of supporting infrastructure)) should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission. Therefore, the impact of a development must be judged in its entirety.
- 9.80. It is acknowledged that the applicant and the Local Highway Authority have been discussing and scoping the level of information prior to the submission of the application and assessing the impacts. This has involved further information and re-assessment of models being shared in particular following the submission of the application following the changes in circumstance.
- 9.81. In January 2022 (following the application having been with the Council since May 2021 and an initial response from OCC as the Highway Authority), an OCC Local Highway Authority objection was raised for a number of reasons; one of which related to the impact of the development in the absence of the A4095 diversion/ strategic link road. The analysis of the impact was found to not be sound and therefore the traffic impact of the proposal could not be predicted. Since then, the applicant has been working hard to resolve the transport issues and has made a number of submissions in response to each of the objections raised (throughout 2022) including proposing an interim scheme in the form of a mini roundabout at the Howes Lane/ Bucknell Road junction (albeit this proposal has been not pursued as it has been acknowledged that this would likely result in little benefit to the operation of the local highway network).
- 9.82. The applicant also proposed to ‘calibrate’ the traffic flows at the existing junction to ensure that the output data from the junction modelling software (PICADY) more accurately represented the extent of queues that were observed to be generated on the approach to the existing junction as part of the traffic surveys. The approach to calibration has been accepted by OCC having been advised by their consultants (Stantec) on this point.
- 9.83. The applicant has also proposed to adjust the distribution of traffic from the proposed development that would travel to this area. With 30% of the traffic identified to the junction from the development with other traffic distributed alternatively through the centre of Bicester, around the eastern perimeter of the town or north from the proposed development along the B4100 to J10 of the M40.

- 9.84. The applicant notes that the key junctions of the Middleton Stoney Road Roundabout Junction (1,400m) and Banbury Road Roundabout Junction (1,150m) are not affected by the queues and that in this context, the queue extending 234m (am) and 73m (pm) towards the Banbury Road junction and 110m (am) and 628m (pm) towards the Middleton Stoney Road Roundabout junction would not be severe. It is noted however that the queue on Howes Lane would go beyond the signalised junction of Shakespeare Drive (c.395m). It should be noted however that without the development there would be an impact on Shakespeare Drive without mitigation by 2026.
- 9.85. Officers from the Local Planning Authority and County Council have continued to liaise with the applicant over the accuracy and detail of the highways assessment and mitigation. It should be noted that this is a principal concern for local residents and Elmsbrook Traffic and Parking Group amongst others.
- 9.86. As a result, various technical notes have been received updating the assessment and model outcomes during the course of the application with the latest being *TN011 – A4095 Junction Modelling – further assessment* which was submitted at the beginning of November 2022. This document provides the results of a further assessment of the junction, which predicts a lower level of delays and queueing at the junction of Bucknell Road and Howes Lane in 2026 than the previous assessment, upon which previous objections from OCC were based.
- 9.87. This lower prediction is the result of three factors:
- i) Using the most recent Bicester Transport Model 2026 reference case. An interim reference case was initially provided, which did not include the A4095 realignment. However, whereas in this interim reference case the amount of development predicted at NW Bicester was in line with the 2021 Annual Monitoring Report, the reference case was subsequently updated to adjust all the development at Bicester to be in line with the 2021 AMR. This has resulted in a change in predicted traffic movements at the critical junction, notably with a 10% reduction in traffic approaching from Lords Lane in the a.m. peak.
  - ii) Adjusting the predicted assignment of southbound traffic from the development. The initial (manual) assignment of southbound development traffic assumed the A4095 realignment was in place. However, it is accepted that given the predicted congestion at the critical junction in 2026 (without the A4095 realignment) a larger proportion of traffic would route either through the town centre or via the eastern peripheral route, reducing the amount of development traffic predicted to pass through the critical junction. However, it is unclear as to why the reduction appears to be greater in the pm peak.
  - iii) Further additional calibration of the Junctions 10 model of the critical junction. This was previously calibrated by applying a 14% reduction in demand traffic flow to the northern arm, such that the queueing in the base model matched observed traffic queues. However, the applicant now submits that the observed queues were in fact shorter and therefore a larger reduction factor of 28% should be used. Para 2.4.4 of TN008 says that the queue on Bucknell Rd N/Lords Lane was approx. 400m or 69.5 PCUs in the am peak, whereas Para 2.3.3 of TN011 says the queue is 170m or 29 PCUs. OCC have advised that this requires clarification. It is worth noting that TN 008 (para 2.4.10) argued that a reduction greater than 14% could be applied 'as the RFC still exceeds 1' – this is a reason for calibration that would not be accepted.
- 9.88. Highways Officers noted that it is accepted that the queueing and delays at the junction would be less than previously predicted in transport assessments and

models, as a result of using the most up to date reference case and allowing for the reassignment of development traffic.

- 9.89. OCC initially advised that the results however are considered to be inconclusive because of the disparity in queue lengths between technical notes TN008 and TN011, and because of the seeming inconsistency in the application of the revised development traffic assignment.
- 9.90. Having reviewed further, OCC have advised that the development traffic assumed in TN011 is consistent with the revised development traffic distribution, and having re-read TN008 Rev B, the disparity in queue lengths is because the previous, longer queue related to the earlier surveys which were not carried out on a typical day, whereas the shorter queue related to the repeat surveys carried out in July. A larger adjustment was required to the Junctions 10 model to calibrate it to the July surveys. Therefore, it is accepted that the predictions of queue length in delay in TN011 are reasonable.
- 9.91. The results show that in the worst case, delay would increase by 50% from 6 to 9 minutes average delay per vehicle through the critical junction, comparing the situation in 2026 with and without the development. (This compares to earlier predictions of delays of up to 17 minutes.) In the context of an increasingly urban setting, drivers will become accustomed to congestion on all routes into and around Bicester by 2026, where they may face similar delays. Whilst there is no definition of what constitutes a 'severe' impact, a doubling of delay would in the opinion of OCC be severe and even an increase to 9 minutes could be seen as unreasonable. However, although there is currently no certainty of the A4095 realignment being delivered via external funding, there are current development proposals on the land required for the scheme, which means the land can potentially be safeguarded and there is some likelihood of the road eventually being delivered by developers, particularly as the most challenging element of the project, namely the bridge under the railway, has already been delivered.
- 9.92. Therefore, although the impact of the development may be felt for many years, it is likely to be temporary, if long-term temporary. As a result, OCC as the Local Highway Authority advise that they have removed their highway objection on the basis that the traffic impact would not be considered severe, subject to planning obligations and conditions as previously set out
- 9.93. OCC have therefore indicated that in their view that there would not be a sustainable reason for refusal based on transport grounds.
- 9.94. With respect to other transport factors, discussions have been held with regard to the suitability of Charlotte Avenue for the level of development proposed. North of the school, the width reduces through a narrowing to 4.1m which OCC advise would be a high risk for vehicles in overrunning the footway when passing one another. The applicant has proposed a scheme of widening within this area. However, this would, in all likelihood, result in the loss of street trees along Charlotte Avenue. The applicant has offered a contribution to allow OCC to carry out the widening works. As it stands however, the road is not yet adopted. The loss of the trees could potentially be mitigated for on the site itself, which could offset some of this impact.
- 9.95. The proposal seeks to provide cycle and pedestrian links onto the infrastructure that exists within Elmsbrook. These are generally at the same locations as the vehicular access points as well as some other locations where they can be achieved taking into account future adoption standards (or permission granted by the adjoining landowner) and future development proposals. This includes the proposal for a bridge leading over the watercourse from the site towards the south. Whilst there have been some



concerns raised with respect to how segregated cycle facilities might be provided for, it has been accepted that this would not be required on Braeburn Avenue or Charlotte Avenue north of the school due to the traffic volumes. Construction access is planned to be taken from the B4100 and the layby to avoid construction traffic being taken through Elmsbrook.

- 9.96. The original Transport Assessment assumed that 40% of the trips originating within the application site would be made by car drivers with the remaining 60% of trips expected to be person trips made by sustainable means of transport.
- 9.97. The issue of car parking has been raised by residents due to issues on Elmsbrook. This is a matter that would be negotiated at the reserved matters stage using most recent parking standards but noting the issues already experienced, particularly with respect to visitor parking.
- 9.98. The proposal would be expected to make contributions towards various offsite transport improvements including the signalisation of the Charlotte Avenue junction (which is required to offset an adverse impact at this junction), towards the bus service serving Elmsbrook, towards the Banbury Road roundabout junction, towards offsite cycle routes leading towards the town centre and to monitor the travel plan. A contribution would also be required towards the bridge leading over the watercourse as mentioned above and towards the major infrastructure costs (i.e., the A4095 realignment). There is also an expectation that the site developers would take part in a NW Bicester Bus Forum.
- 9.99. A crossing is proposed to lead from the development to the Church of St. Lawrence at Caversfield, which is proposed as a signalised crossing. This was requested in order to improve accessibility to the church and potentially increase its ability to be used for community purposes. There have been requests made for a parking area to be provided on site which was proposed as part of the proposal for the eastern parcel previously given the lack of parking available for the church. Whilst this was proposed previously, Officers do not consider that there is justification to insist on this provision because the church is within close proximity to the development and walking/ cycle provision would be available.

#### *Conclusion*

- 9.100. Whilst the development could provide for walking and cycling links and provide contributions towards transport improvements (including the strategic link road itself), the County Council have advised that prior to the delivery of a strategic link road, that the transport impacts of the development would not be severe.
- 9.101. As directed by paragraph 111, 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.

#### Density, Space Standards and Housing Mix

##### *Policy Context*

- 9.102. Policy BSC2 sets out that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development
- 9.103. Policy BSC4 requires that housing mix in new residential development will be expected to provide a mix of homes to meet current and expected future requirements in the interests of meeting housing need and creating socially mixed and inclusive communities. The mix of housing will be negotiated having regard to the Council's

most up-to-date evidence on housing need and available evidence from developers on local market conditions. Housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings as part of the overall mix. Should it be agreed with the Council that extra care housing would not be desirable in a particular location, an equivalent amount of alternative specialist housing (use class C3) for older people will be required.

9.104. The Masterplan for NW Bicester identifies a site for Extra Care Housing which is not related to the current application site so this has not been pursued as a requirement.

9.105. The policy mix sets out to achieve:

Market: 1bed (5%); 2bed (25%); 3bed (45%); 4+ bed (25%)

Affordable: 1bed (25-30%); 2bed (30-35%); 3bed (30-35%); 4+ bed (5-10%)

All Dwellings: 1bed (15%); 2bed (30%); 3bed (40%); 4+ bed (15%)

9.106. In respect of Policy Bicester 1 and the associated SPD it is stated that built form, density and massing that optimises the potential for solar gain to generate energy is required. Further that the density of residential development will reflect its location within the site with higher density residential development along public transport corridors and adjacent to local centres.

9.107. Whilst the Council have not adopted the National Space Standards into adopted planning policy, Policy Bicester 1 and the associated guidance sets out that homeworking will play an important role in creating employment opportunities on the site. It will be encouraged and facilitated by the design of the new homes and superfast broadband provision. Further it is stated that the ability of homes to provide flexible space for residents to work from home is a requirement of the phase 1 exemplar development.

9.108. Homeworking, in addition to the evidence presented as a result of the recent pandemic, would reduce the need to travel allowing residents who work elsewhere to spend time doing their job at home. It will also provide the opportunity to facilitate the provision of small businesses, sole traders and local businesses to use their homes for work and employment. Within homes there should be space provided to allow use as an office or small-scale ancillary business use.

#### *Assessment*

9.109. It is understood that the proposals would be able to achieve in excess of 30dph as required by Policy BSC2 of the Development Plan.

9.110. Noting the requirement of associated guidance that the density of residential development will reflect its location within the site with higher density residential development along public transport corridors and adjacent to local centres, the proposal seeks to allow for greater scale alongside the spine road through Elmsbrook which has been reduced compared to the original proposal. There are also proposals to amend the land levels across the site by plus or minus 2m. Cross sections have been provided to demonstrate this, but it is also a matter that would need further assessment at the detailed design stage to ensure a resulting suitable scheme including ensuring a suitable impact upon surrounding land uses and to protect residential amenity.

9.111. Taking the above into account and the reduced area of greenspace to the eastern area close to St Laurance Church in the masterplan it is unclear in design terms as to why the development density would be below 30dph unless the mix proposed or

sought would be to create a higher proportion of larger dwellings than the overall policy mix of 1bed (15%); 2bed (30%); 3bed (40%); 4+ bed (15%).

9.112. Indicative mixes submitted to viability assessments included (albeit these have been queried by the Council's Viability Advisor as is explained later):

Market: 1bed: 0 (0%); 2bed: 128 (34.9%); 3bed: 149 (40.5%); 4+ bed: 90 (24.5%)

Affordable: 1bed: 31 (19%); 2bed: 73 (44.8%); 3bed: 47 (28%); 4+ bed: 12 (7.3%)

All: 1bed: 31 (5.8%); 2bed: 201 (37.9%); 3bed: 196 (37%); 4+ bed: 102 (19.25%)

9.113. The Council's preferred housing mix would therefore need to be secured through planning condition to guide future design work whilst ensuring that market and affordable housing mixes are well integrated and tenure blind. This may result in higher levels of greenspace.

9.114. The proposals do not include a commitment towards space standards and the need for these to be addressed form part of the commitment to homeworking (albeit the size of certain dwelling types has been queried by the Council's Viability Consultant taking into account his market research). Should planning permission be granted, appropriate safeguards would need to be included through planning conditions, preferably meeting, if not exceeding National Space Standards (given reference within Policy Bicester 1 to Lifetime Homes Standards, though the impact on viability would need to be reviewed).

#### *Conclusion*

9.115. Overall, the proposals would need to be carefully conditioned, if approved, to safeguard the principles of the masterplan and to ensure that the areas safeguarded for landscape policy guidance where there is conflict with the parameter plans presented is secured.

9.116. As the proposal is in outline, further approval through the Reserved Matters is required. The above position of the Council in achieving appropriate density, design and space standards throughout the development will be important considerations to be safeguarded at a later date.

#### Heritage Impact

##### *Legislative and policy context*

9.117. The site affects the setting of the Grade II listed building of Home Farm Farmhouse and the Grade II\* St Laurence Church.

9.118. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.

9.119. Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

### *Assessment*

- 9.120. The comments of representatives of the St Lawrence Church and the Council's Conservation Advisors amongst other commentators (e.g. Historic England) are carefully considered in particular in relation to the green margins around the eastern parcel which have been greatly reduced which will have the potential to lead to adverse impacts on biodiversity and on the setting of the church and other historic buildings.

### *Built Heritage*

- 9.121. The building of St Lawrence Church itself is Grade II\* listed and dates at least to the 12th Century, with some visible evidence of an older Saxon church on the site. It houses the oldest inscribed bell in the UK, several rare brasses and is renowned in North Oxfordshire for its beauty and special character. The churchyard is home to 25 graves of servicemen killed during the Second World War, one of the largest Commonwealth War Grave sites in North Oxfordshire. The Church is separated from the development by the B4100.

- 9.122. The application proposals include a pelican crossing immediately adjacent to St Lawrence's Church. Objectors highlight in their view that the proposal for a signalised pedestrian crossing will have a direct, negative impact on the rural setting of the church immediately adjacent to the existing church gate.

- 9.123. The inclusion of a specific vista within the housing development towards St Lawrence Church as shown on the Multi-functional Greenspace Parameter Plan would mitigate the harm from the reduced green space from the masterplan.

- 9.124. The impact to St Lawrence Church is considered significant but the harm would be considered to be less than substantial. The public benefit to provide access to the existing church building, which should lead to greater use of the building is a matter balanced in accordance with the requirements of the NPPF.

- 9.125. Home Farmhouse (Grade II Listed) is also impacted by the reduced green space however there would remain a green buffer on the boundary between the proposed development and the existing heritage asset. Following consideration of the details the application would have a significant impact on the setting of Home Farmhouse however this impact is considered to be less than substantial.

- 9.126. It is noted that a number of other heritage assets are in the wider area, and these have been evaluated within the application submission, in particular the Environmental Statement. Overall due to intervening distance and the nature of the proposals, it is considered that the proposals would not have an impact on these heritage assets.

- 9.127. Taking all matters into consideration, the proposals would be in accordance with Policy ESD15 of the Local Plan and guidance contained in the National Planning Policy Framework, the identified harm would be outweighed by the public benefits arising from the development which includes the provision of housing on an allocated site.

### *Archaeology*

- 9.128. The Site and surroundings have previously been subjected to several phases of intrusive and non-intrusive archaeological investigation, including aerial photograph examination (Air Photo Services 2010 & 2018), geophysical survey (Northamptonshire Archaeology 2011 & 2012; Magnitude Surveys 2018) and evaluation trenching (Oxford Archaeology 2014; MoLA 2018).

- 9.129. The applicant highlights in their submission that within the western portion of the Site, a rectilinear enclosure was sample excavated in two trenches and found to contain Middle Iron Age pottery sherds. Within the eastern portion, ditches within several trenches were found to contain pottery sherds ranging in date from the Early Saxon (early medieval) period to the 13th century, along with a holloway dating to the 11th-12th century. These features were interpreted as associated with the former medieval settlement of Caversfield, situated slightly further to the east.
- 9.130. Previous studies of HER data illustrate further historic activity within the wider environs of the Site, including evidence of Mesolithic, Bronze Age, Iron Age, Roman, Late Saxon and medieval activity.
- 9.131. As set out by the applicant, it is agreed that in consideration of the identified archaeological presence within the western part of the Site, the Planning Archaeologist for Oxfordshire County Council has requested a programme of further archaeological mitigation within this area. This will take the form of an archaeological excavation in advance of construction, followed by post-excavation assessment, analysis and publication of the discoveries to a scope proportionate to their significance.
- 9.132. This work would be defined as a condition of a consented scheme. No further mitigation is required for the eastern part of the Site.
- 9.133. Overall, it is agreed that the proposals would be in accordance with the Development Plan and National Planning Policy and are considered to be less than substantial. The recording and mitigation proposed will continue to be managed through the construction process and further investigations will be secured through planning condition.
- 9.134. The impact on heritage assets is therefore considered to be less than substantial harm in particular to the Church of St Lawrence. The heritage impacts therefore need to be considered in the overall planning balance with appropriate conditions in particular relating to the detail of archaeological work.

### Ecology Impact

#### *Legislative context*

- 9.135. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.136. Under the Regulations, competent authorities i.e., any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.137. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or

forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.138. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.139. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.140. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.141. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.142. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.143. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to

accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.144. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.145. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.146. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.147. Policy Bicester 1 sets out three principal objectives in respect of the biodiversity objectives:
- Preservation and enhancement of habitats and species on site, particularly protected species and habitats and creation and management of new habitats to achieve an overall net gain in biodiversity including the creation of a local nature reserve and linkages with existing BAP habitats
  - Sensitive management of open space provision to secure recreation and health benefits alongside biodiversity gains.
  - A Landscape and Habitats Management Plan to be provided to manage habitats on site and to ensure this is integral to wider landscape management.

#### *Assessment*

- 9.148. The comments of the Council's Ecologist and Natural England are noted and have been carefully considered alongside the comments of local residents and stakeholders who have commented on the application.
- 9.149. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has the potential to contain protected species and any species present.
- 9.150. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.151. The application is supported by a detailed protected species survey and sections of the Environment Statement which identified that ecological habitats were identified on the Site: semi-improved grassland, hedgerows and treelines, scattered trees, woodland and off-site watercourses. Surveys of protected species found that the Site supports potential opportunities for bats, badgers and other mammals (hedgehogs and polecats), breeding birds, reptiles, common toads and Brown Hairstreak butterflies. The Environmental Statement has been updated during the course of the application to take account of further breeding bird and bat surveys.

- 9.152. Opportunities to safeguard, mitigate and enhance, as set out in the Design and Access Statement, include:
- Retention and protection of key habitat features such as the watercourses, woodland, hedgerows and their buffer zones
  - Sensitive timings and working methods
  - Supervised staged habitat clearance exercises to safely remove protected species from developable areas
  - Provision of new and enhanced greenspace and ongoing sensitive management of such habitats
  - Provision of new faunal enhancements throughout the Site including bird and bat boxes (integrated and upon retained trees), hedgehog domes and highways, hibernacula and log-piles for reptiles and amphibians and invertebrate hotels and butterfly bank
- 9.153. Through the construction phase it is agreed that a number of mitigation measures have been incorporated into the design of the Development, with the key elements being retention of buffer zones around key habitats, the establishment of green infrastructure corridors around and across the Site, specific dark corridors for bats, and new drainage features. It is agreed that these measures together through the implementation of appropriate conditions, including a construction and environmental management plan could manage the impact of the construction process on protected species and biodiversity.
- 9.154. The Council's Ecologist and the Newt Officer at NatureSpace did raise an issue with regard to Great Crested Newts (GCN) as there are ponds nearby which have not been surveyed for GCN suitability and therefore there could be impacts upon this species which need to be understood pre-determination. If the District Licensing route were to be required, this would need to be dealt with prior to determination. Following discussion and further consideration, a Great Crested Newt Mitigation Strategy has been submitted dated September 2022. This, in summary, argues that the current scope of survey is appropriate but, it finds that update surveys could be undertaken at the pre-commencement stage alongside a precautionary mitigation approach which could be implemented to safeguard GCN and ensure that the necessary licencing procedures are followed if necessary. There is no proposal to use the District Licensing route. The Council's Ecologist has not objected to conditioning additional GCN surveys as proposed however has expressed some concern that if the large waterbody to the east cannot be surveyed, that an assumption of GCN presence may need to be made and that the grant of a licence in this scenario would be difficult in the absence of survey information. Nevertheless, there is plenty of scope for mitigation on site and providing GCN surveys with a full report and mitigation/ licence information are the subject of a condition requiring compliance pre-commencement, then no objection is raised.
- 9.155. The Council's Ecologist also recommends a number of other pre-commencement conditions in relation to further survey work and ensuring that appropriate mitigation is delivered through the phased approach to development and to ensure that the basis of this is as up to date and accurate as possible. Officers agree that this is appropriate and can be managed through planning conditions.
- 9.156. Through the development it is proposed that the scheme will implement mitigation and compensation to seek to achieve a minimum of 10% biodiversity net gain which would be in line with the national requirement of the emerging Environment Act. The submitted Biodiversity Impact Assessment finds that the redevelopment proposals themselves deliver quantifiable net gain for biodiversity in relation to habitats which, anticipates a net gain of 16.69% for habitats and a net gain of 14.36% for hedgerows.



This would need to be secured through planning conditions, in particular the delivery of a Landscape and Ecological Management Plan (LEMP) and detailed lighting design.

- 9.157. A contribution is also required towards a scheme of offsetting for farmland birds which is an impact identified by the NW Bicester Masterplan work as a result of development across the whole site. The applicant does not agree this contribution, and this is assessed in further detail later.
- 9.158. The creation of a SuDS network also provides the opportunity for an exciting ecologically rich meadow to enhance biodiversity. Swales and ponds also add interest and there is also potential for biodiversity improvement.
- 9.159. The detailed design of houses and other buildings (e.g. substations, etc) could include green roofs, bird boxes and other aspects which could add interest and biodiversity aspects however these are subject to detailed design and cannot be relied upon at this stage but could be encouraged through pre-application discussions to Reserved Matters submissions.
- 9.160. In addition, the applicant highlights that a range of qualitative gains can also be delivered on Site, such as the provision of faunal enhancements targeted to national and local Priority Species.
- 9.161. As part of the mitigation to achieve the net gain a number of enhancements are also proposed to create and improve habitats through the development which will be implemented and managed through the development and the long term. The proposals will create new faunal opportunities in relation to semi-improved grassland, hedgerows, treelines and woodland, bats, breeding birds, reptiles, common amphibians and to invertebrates. This would include further enhancement to Brown Hairstreak butterflies. There would be detailed schemes at Reserved Matters stage, informed by the outline planning consent and conditions. Due to the outline nature of the application the detail of the landscape and ecological enhancement would come forward as part of the Reserved Matters, however, the outline application submission and associated Environmental Statement form an appropriate basis for determination.
- 9.162. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

### Trees, Hedgerows and Green Infrastructure

#### *Policy Context*

- 9.163. The NPPF, at Paragraph 131, notes that Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

- 9.164. Policy and associated guidance also set out to achieve a minimum of 40% of the site to be Green Infrastructure and the policy sets out that particular attention should be given to land to allow the production of food from community, allotment and/or commercial and community gardens.
- 9.165. Development should have a clear system of safe, accessible and attractive open and green spaces that respond to and enhance natural features across the site and integrate with the existing settlement. Play areas should be located where they are accessible to children and overlooked.
- 9.166. There should be areas where biodiversity is the principal outcome, such as the nature reserve, parts of the country park, and wildlife corridors and buffers. In addition, opportunities to maximise biodiversity in other green spaces should be taken.
- 9.167. The SPD sets out that planning applications should demonstrate a range of types of green space, for example wetland areas and public space in accordance with Policy BSC11. The SPD sets out to achieve that green spaces should be multi-functional, for example accessible for play and recreation, local food production (important due to the high carbon footprint of food), walking or cycling safely and support wildlife, urban cooling and food management, providing the policy principle is not compromised.
- 9.168. Retaining and reinforcing the existing hedgerows, trees and woodland on the site is a key development principle. The field boundaries and hedgerows divide the site into parcels. The hedges are to be largely retained in the masterplan proposals and provide both a constraint and opportunity for development proposals. They are an important feature in the local landscape and form the basis of the site's green infrastructure.
- 9.169. The SPD masterplan uses the existing field boundaries and hedgerows to give the layout of the proposed development structure. Hedgerows define the site layout recognising their landscape importance and contribution to biodiversity and habitat. They provide natural corridors throughout the site for wildlife but also for residents as part of the comprehensive cycling and walking network. The Landscape Strategy that supports the masterplan includes the following key landscape elements:
- Green loops as part of a linear park;
  - Retained and reinforced hedgerows with a 20 metre buffer;
  - Riparian zones along the stream corridors;
  - Woodland copses; and
  - Green "fingers" integrating green infrastructure into the development.

#### *Assessment*

- 9.170. The application proposals include approximately 48% green space and infrastructure through the application proposals which includes the retention of existing woodland, new green corridors through the development proposals and buffer zones.
- 9.171. The applicant, in the Design and Access Statement highlights that the application proposals are based on a series of key landscape/green infrastructure (GI) zones have been developed as an integral and iterative process with the overarching masterplan within the Design and Access Statement.
- 9.172. The key zones are as follows:

- Western fringe - new boundary hedgerow and small woodland copses, defining the western edge of development.
- Woodland and wooded edge - retained and enhanced woodland, with woodland edge planting to create diversity. A natural play feature is set within the existing woodland clearing.
- Stream meadow - area of meadow grassland and new pond, providing attenuation and habitat diversity. The wetland area compliments the adjacent stream corridor.
- Eastern parkland - area of wildflower grassland and clusters of trees to define the eastern edge of development. Areas for attenuation and play are integrated within the parkland.
- Green corridors - restoring, retaining and enhancing existing tree belts and hedgerow boundaries with appropriate new planting, routes and attenuation features.
- Pocket park - focal space at the heart of community, with central play area

9.173. In total the application includes as an illustration 10.11ha of green infrastructure within the masterplan that is broken down to 1.1ha of play (through LEAPs and a MUGA), 0.5ha of allotments, 8.51ha of general green space (including retained woodland).

9.174. It is expected that formal sports provision and burial space would be provided elsewhere, in accordance with the SPD expectations and therefore contributions would be sought to meet these needs.

9.175. As stated, the detailed design and assessment would be secured through the Reserved Matters submissions. The key buffers and designs to play space and in particular LEAPs and LAPs will need detailed design and agreement in terms of their position on site.

9.176. In terms of detail some concerns could be raised with regard to the northern boundary and the integration of play space in this location into the development with appropriate buffers and boundaries to the north however these would need to be discussed at detailed stages.

9.177. As such, the proposed level and range of Green Infrastructure could be considered to be acceptable and in accordance with the aims of the wider masterplan as set out in Policy Bicester 1 and the associated North West Bicester SPD.

### Drainage and Flood Risk

#### *Policy Context*

9.178. Nationally, Paragraph 167 of the NPPF guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient;
- it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

- iv. any residual risk can be safely managed; and
- v. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

9.179. National Policy also guides that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a. take account of advice from the lead local flood authority;
- b. have appropriate proposed minimum operational standards;
- c. have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d. where possible, provide multifunctional benefits.

9.180. Policy Bicester 1 and the associated North West Bicester SPD sets out the principles of how Sustainable Drainage and Water Management should form part of the development and that proposals should demonstrate how Sustainable Urban Drainage Systems (SUDS) and other appropriate measures will be used to manage surface water, groundwater and local watercourses to prevent surface water flooding. Policies ESD6 (Flood Risk Management), ESD7 (Sustainable Drainage Systems) and ESD8 (Water Management) are also important considerations. The policies are in general compliance with National policy guidance and are therefore considered to be up to date.

#### *Assessment*

9.181. The application is supported by a Flood Risk and Drainage Strategy as part of the Environmental Statement which has been updated and amended during the course of the application including the submission of a Flood Modelling Study.

9.182. The submission sets out that along the northern boundary of the western parcel there is a manmade field ditch which drains the northern part of the western parcel. This ditch drains to the north and is culverted beneath the B4100 and discharges into a tributary of Town Brook. Town Brook flows into a pond in the proximity of Caversfield House. The pond is approximately 30 m to the north of the Site's eastern parcel. Town Brook eventually flows alongside the eastern boundary of the eastern parcel. The rest of the western parcel drains to an unnamed watercourse which runs along part of the western parcel's southern boundary and forms a confluence with Town Brook at the south east corner of the eastern parcel. Town Brook continues in a southerly westerly direction towards the A4095 and Bicester town centre.

9.183. The application notes that the Town Brook (also known as Bure Brook or the River Bure) passes through Bure Park Local Nature Reserve and then through Bicester town centre. The Town Brook eventually discharges into the Gagle Brook (via Langford Brook), approximately 5 km to the south east of the Site.

9.184. The application sets out that during the construction phases measures such as water management and mitigation will be managed through the Construction and Environmental Management Plan (CEMP).

9.185. For the completed development, as the application is in outline, further details at a reserved matters will include a SuDS-based drainage strategy which will ensure that all surface water runoff is contained and controlled in accordance with the SuDS management train and the sustainable drainage hierarchy as per the OCC's Local Standards.

- 9.186. This Strategy will see the implementation of source control techniques and surface water drainage with increased runoff rates and volumes from the Development being mitigated using SuDS. These will ensure that flood risk is not increased downstream and will have been adequately sized (accounting for climate change) to provide attenuation storage in line with planning policy and LLFA requirements.
- 9.187. The SuDS will reduce runoff rates from the Development due to the application of greenfield rates, will aim to match the existing drainage regime as closely as is feasibly possible. Therefore, in the larger rainfall events, the rate of water running off from the Development is likely to be reduced.
- 9.188. As aforementioned, SuDS will be implemented within the surface water drainage strategy using the SuDS management train principles to avoid a 'pipe to pond' scenario and will therefore help to facilitate the removal of pollutants via filtration and retention methods. Runoff will be managed at source, with residual flows to drain to additional storage and treatment systems downstream. Suitable maintenance regimes are also proposed to be in place.
- 9.189. The comments of the Environment Agency, CDC Drainage Advisors and the LLFA have been given full and careful consideration. Particular attention is given to the Environment Agency who note that in raising no objection to the outline drainage strategy proposed and its principles outlined in the submitted FRA, they do require conditions to be imposed.
- 9.190. As stated in the flood risk assessment, the Environment Agency will expect to see numerous SuDS being utilised on site with justifications provided where it cannot be used. When submitting information for detailed design review stage/reserved matters, calculations must comply with the County Council guidance such that 1 in 1, 1 in 30, 1 in 100 events is also provided along with 1 in 100 year event + 40% Climate Change allowance.
- 9.191. Overall it is considered that the application and Environmental Statement, as updated provide an appropriate basis for a positive determination on matters of flood risk and drainage principles. Further details will be safeguarded as part of the detail of the Reserved Matters and through conditions suggested by the Environment Agency and other consultees. Inclusion of water management through the construction management process would also be required by condition.

#### Ground Conditions, Noise and Air Quality

##### *Policy Context*

- 9.192. It is noted that Paragraphs 183-188 of the NPPF are relevant in terms of national guidance in determining planning applications.
- 9.193. In particular with respect to noise, Paragraph 188 states that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 9.194. On ground contamination it is guided that it should be ensured that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that

remediation) and that adequate site investigation information, prepared by a competent person, is available to inform these assessments.

9.195. In respect of air quality the NPPF guides that development should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

9.196. Policy ENV12 of the Cherwell Local Plan 1996 sets out to ensure that development on contaminated land is appropriately mitigated and Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 sets out to ensure that the development is managed in respect of the construction and operational phases of development. These policies are in accordance with the general objectives of the NPPF.

#### *Assessment*

##### *Noise*

9.197. Having regard to the submission and the assessment of the application it is noted that the application has been assessed in detail by Environmental Health officers in respect of the noise climate and impact on neighbouring residents. The comments of residents from close to and adjacent to the development with regard to the potential impact of the development and construction traffic on the quality of the environment are noted and are a common issue with multi-phase development as new residents move into early phases. It should be noted that no building site can be completely silent however management of the construction process is an important consideration.

9.198. Environmental Protection Officers notes that having read the noise report provided they are satisfied with its contents and agree with its conclusions.

9.199. The proposals will need to ensure that, if approved, details of the suitable glazing and ventilation strategy should be agreed at the detailed design stage and that suitable conditions would be necessary. In addition careful consideration of the mitigation, layout, orientation of sensitive rooms etc. will need to be taken, in relation to development due to noise from the B4100, in particular.

9.200. It is also recommended that a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority.

9.201. Whilst detailed design information with regards to the layout and composition of the proposed development with regard to road noise, play areas and non-residential areas on the neighbouring sites is not available at this outline stage, particular consideration needs to be given towards the prevention of nuisance to such uses being in close proximity.

9.202. These impacts would be a matter of detailed design and understanding at the time of detailed application. Placing restrictions on such uses or matters at this stage, when detailed layouts have not been formed would be unnecessary and unrelated to the consideration of the outline application.

9.203. As such, a number of planning conditions would need to be progressed if the application is approved in the consideration of the application and environmental protection officers raise no objection in principle to the development.

9.204. Whilst the comments and concerns of residents have been noted, the application is considered to be in accordance with the requirements of Development Plan policy and national best practice.

#### *Contaminated Land*

9.205. The application is supported by site investigation reports following investigation in August 2020 and January 2021 and documentation which has been evaluated by environmental protection officers and found to be satisfactory.

9.206. Whilst the submitted reports constitute an appropriate assessment for the purposes of the outline application the submitted report recommends the following further works will be required including completion of the ground gas works and a materials management plan. These can be appropriately conditioned should planning permission be granted.

9.207. As such considering the submitted information, there is no reason to suggest that the land, by virtue of contamination, is unsuitable for the development proposed and would be in accordance with Policy and National best practice.

#### *Air Quality*

9.208. The application is supported by an Air Quality Assessment which is within the Environmental Statement. The Assessment outlines and considers the impact of the future development and the impacts through construction on existing residents, for example. It is noted that Environmental Protection Officers are satisfied with its contents and have no further comments.

9.209. The construction phase assessment has assessed the potential impact significance of construction activities of demolition, earthworks, construction and trackout, and the appropriate mitigation measures to reduce the impact risks have been discussed and recommended. These matters include measures such as dust suppression from construction activity, for example, which would form part of a Construction and Environmental Management Plan in particular.

9.210. In the Operational Phase the effects of changes in traffic flow as a result of the Development, significance is determined to be 'negligible' at all identified receptor locations. All Development receptor locations are predicted to be below the Air Quality Objectives.

9.211. Environmental Protection Officers also advise that a condition requiring the dwelling(s) hereby permitted are provided with a system of electrical vehicle charging points should be recommended in the event that planning permission is granted. It is noted that Building Regulations (Approved Document S) has recently been updated to require electric charging points on new dwellings but it is considered that in this instance the detail of such charging points would be appropriate as a planning condition to ensure that these details are appropriately located and implemented.

#### *Conclusion*

9.212. The application is supported by site investigation, noise and air quality information that has been assessed and found to be appropriate by Environmental Protection Officers. The concerns raised by local residents and objectors have been carefully considered.

9.213. For the reasons set out above, the application and the associated Environmental Statement is considered to be appropriate and subject to conditions in the event that planning permission being granted which would manage construction mitigation and management in particular. The proposals are therefore considered to be in accordance with Development Plan Policy and National Policy Guidance when read as a whole.

#### Planning Obligations and Viability

##### *Policy Context*

9.214. In accordance with National Planning Policy, planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

9.215. Policy Bicester 1 requires 30% affordable housing to be delivered across the site with associated infrastructure and contributions being sought in line with the Council's Planning Obligations Supplementary Planning Document and bespoke requirements relating to the specific circumstances to meet the requirements at NW Bicester.

##### *Assessment*

9.216. Contributions from this site have been requested and sought towards:

- Health provision
- Neighbourhood policing
- Community Buildings
- Community Development Workers and a fund
- Primary education
- Secondary education
- Secondary education land contribution
- Special educational needs
- Sports pitches (capital and maintenance)
- Burial ground
- Community Management Organisation
- Maintenance of community facilities
- Household waste receptacles and recycling points
- Bus services
- Public transport infrastructure
- Pedestrian/ Cycle Infrastructure
- A bridge crossing to the south
- A right of way contribution
- A contribution to the improvements required to the junction of Charlotte Avenue and the B4100



- A contribution to the improvements required to the junction of the B4100 and the A4095
- A Travel Plan Monitoring fee
- Bicester Leisure Centre
- Offsite biodiversity to mitigate for farmland birds
- A contribution towards the costs of the strategic infrastructure required at NW Bicester
- Library services
- Children's Centres
- Household waste recycling centres (from OCC)
- A Network Rail Shared Value contribution
- A contribution towards the forward funding used to fund the underbridges
- The requirement to provide for cultural wellbeing/ public art
- The requirement to monitor the development to the standards expected
- The requirement to provide for a training and employment plan and to commit the provision of apprenticeship starts
- 30% Affordable Housing
- The requirement to build to certain construction standards
- The requirement to achieve true zero carbon via a strategy
- The development would also be required to set out and then manage and maintain areas of open space and play areas
- A requirement to pay to both the District and County Councils a monitoring fee

9.217. Planning Practice Guidance highlights that where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Policy compliant in decision making means that the development fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.

9.218. Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then.

9.219. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment.

9.220. Any viability assessment should follow the government's recommended approach to assessing viability as set out in National Planning Guidance and be proportionate, simple, transparent and publicly available. Improving transparency of data associated with viability assessment will, over time, improve the data available for future assessment as well as provide more accountability regarding how viability informs decision making.

9.221. The applicant's case is that the delivery of the proposed site has been frustrated by viability issues, principally on the delivery of the Council's policy objectives of net carbon homes, the cost of the necessary infrastructure amongst other policy requirements such as 40% open space and 30% affordable housing. The applicant has submitted a viability appraisal which concludes that it would not be viable to deliver the development to a Policy compliant standard in all respects.

9.222. The applicant's initial work considered of three scenarios of build cost – North West Bicester traditional house building costs, house building costs based on future homes standard and house building costs based on True Zero Carbon (however, the TZC scenario is for homes built to future homes standard plus a contribution to offset the remaining carbon). The applicant then tested each of the three scenarios of build cost against four affordable housing scenarios. Their conclusion being that just three scenarios would be viable, each of which based upon the scenario of build cost being a 'traditional house building cost'.

9.223. The applicant's offered contribution for carbon offset is based upon a cost of £60 per tonne which it is understood was accepted by the Greater London Authority some years ago. This, used with the predicted carbon left after achieving a future homes standard build has resulted in a contribution offered by the applicant.

9.224. The applicant's submission has been interrogated for the Council by a Viability Consultant and a Quantity Surveyor. Throughout this process, discussions have been ongoing with regard to the inputs to the appraisal (for example relating to benchmark land value, sales values, development mix and dwelling sizes, allowances for finance, professional fees and contingencies etc) and whilst some agreement has been reached on some inputs, there remains disagreement on some inputs such as:

- The applicant's position on land cost is that benchmark land value should be £200,000 per gross acre compared to the Council's advisor's position on BLV which is £150,000 per gross acre (allowing for the 'reasonable incentive for a landowner to bring forward land for development while allowing a sufficient contribution to fully comply with policy requirements' (PPG)). This is allowed for in the FVA prepared for the Council by its advisor.

9.225. The Council's advisor, in November 2022, has concluded that there is a viability gap of £6.35 million. This is based upon Q1 2022 build costs and values as well as the applicant's assumed S106 package, the Council's QS advised build costs (rather than the applicant's), the BLV of £150,000 per gross acre, their view on the inputs to the appraisal (some of which are agreed with the applicant as mentioned above) and the provision of 30% affordable housing with a split of 69% affordable rent and 31% shared ownership). This gap is lower than that anticipated by the applicant.

9.226. Through an interrogation of the build cost elements, Officers were advised of certain costs accounted for that appeared high or were costs related to the development of land at NW Bicester. This included a figure of just short of £6million for rainwater and grey water harvesting.

9.227. The Council's Viability Consultant has undertaken a number of sensitivity tests to assess the impact of key variables on development viability. They have tested:

- The impact of movements in both costs and values of both plus and minus 10%
- A Value engineered scheme including the removal of the costs for rainwater and grey water harvesting plus other cost reductions such as removing the requirement to provide fruit trees and passive ventilation

- An alternative scheme with slightly larger market homes and some 5 bed dwellings to reflect a potentially likely scheme that could come forward (due to concerns that the scheme costed includes small dwellings).
- The update of costs from Q1 2022 to current day costs and sales values.

9.228. The value engineered scheme sensitivity test indicates that the viability gap could almost be closed by removing certain elements of the build cost. With some further adjustments to this scenario (i.e. to the S106 costs or the inclusion of Future Homes), that the proposal could deliver a true zero carbon development (FHS dwellings plus a contribution) and 30% affordable housing (with the rental units based upon affordable rent).

9.229. In seeking to move matters forward, the applicant made an offer to the Council based upon a mid-point position which, in summary offered 10% affordable housing and all S106 contributions as they understood them. However, following further consideration, including the Financial Viability Appraisal of the Council's advisor, has indicated that they wish to negotiate further and that, subject to understanding the Council's final position on the S106 heads of terms, may accept the inputs to the appraisal as considered appropriate by the Council's advisor.

9.230. In reviewing their position on this point, using the Council's advisors inputs to the appraisal and in updating the costs and values to a Q4 2022 position, the Applicant anticipates that the scheme could deliver in the order of 10-15% affordable housing. This also assumes a value engineered approach to the build cost.

9.231. S106 costs have latterly been provided to the applicant for their consideration. Officers have reviewed the contributions sought and have considered what changes could be made to assist viability. This is assessed further below.

9.232. It is therefore necessary to consider the outcome of this and conclude as to whether this, as a negotiated position, can be accepted and what approach might be available to ensure that this position can be reviewed to capture any additional value that might be available.

#### **Inputs to the appraisal including updates to Q4 2022**

9.233. On the basis that the applicant intends to update their appraisal to accept all of the Council's advisor's inputs to the appraisal, Officers consider that the appraisal will be based upon an acceptable baseline. This includes the benchmark land value.

9.234. However, their view is that it is necessary to update the costs and values inputs to the latest available baseline costs to ensure that at the point that the application is considered at Committee, that the scheme viability is understood. This is also important considering the economic uncertainty being faced which is impacting build costs and property values. Officers are not averse to this and agree the principle, however those inputs to update this are not yet agreed. With regard to the build cost, Officers have been advised that it would be acceptable to update those costs to the most up to date base costs as set by the BCIS index. However, with regard to values, Officers have been advised by its advisor that the applicant's proposed approach would not be acceptable. They wish to use a land registry index for the Cherwell area, which indicates values have increased by 2.72% between Q1 2022 and Q4 2022. The Council's advisor considers this to be too crude of a way of assessing value increases and that a bespoke approach to consider values in Bicester should be adopted which would more closely reflect values seen in the town.

9.235. Further assessment will therefore be undertaken once this point is agreed.

## Build cost and standard

9.236. As mentioned above, build costs have been assessed on both a traditional build cost and a future homes standard cost (as far as can be assumed at this point). However, there were some costs within the build cost, which appeared to go beyond the future homes standard. Through a consideration of what a value engineered approach might result in, as well as the position more generally on Viability (i.e. that the scheme is not viable and that it is likely that a Policy compliant level of Affordable Housing cannot be met), Officers conclude that costs associated with the following should not be included for the following reasons:

- The rainwater/ grey water harvesting proposed is costed at just short of £6m and it is understood is reflective of what is provided for in this respect on the scheme at Elmsbrook. This reflects the requirements of the SPD which expects development to be ambitious with regard to water with ambitions towards water neutrality and reflective of the fact that this area is in an area of water stress which is also a key risk in future climate scenarios. Rainwater harvesting at a property level is identified as an 'option' for the dwellings at NW Bicester through the SPD. Whilst this cost identifies an ambition to contribute to water neutrality and is welcomed by Officers, it is also a significant cost that impacts viability and the schemes ability to provide for affordable housing. There may also be other, cheaper options to contribute towards reducing potable water demand which have not been explored. This cost is not related to the scheme's ability to achieve True Zero Carbon but is related to other sustainability/ climate change aspects of the development. Its removal from the build cost is therefore recommended. The requirement to achieve a water efficiency target of 110 litres/ person/ day in accordance with Policy ESD3 which is higher than the Building Regulations would continue to be imposed to ensure that the development contributes to reducing water use in light of the fact that the District is within an area of water stress.
- The SPD identifies that passive design principles could be included to incorporate best practice on overheating which relates to Development Requirement 3 around Climate Change mitigation. A number of examples are indicated as to how development should incorporate best practice including – tackling the impacts of climate change on the built and natural environment, using urban cooling through green infrastructure, orientation and passive design principles, water neutrality measures and meeting minimum fabric energy efficiency standards amongst others. At Elmsbrook, planning condition 11 identified 20 plots where the house designs were to be constructed with passive ventilation and thermally massive floors. This is around 5% of the 393 dwellings permitted there. The reason for the condition was to test the delivery of innovative energy efficient houses. The applicant has therefore assumed 5% of the dwellings on the site to be provided with passive ventilation and this is costed at £245,160.00. Whilst testing of innovative techniques would be supported; in the overall balance where the scheme is unviable and affordable housing is at risk, Officers consider that additional measures should not be pursued. The way that the scheme is adapted to relate to future climate scenarios would still be considered through the design of the scheme (such as orientation) as well as through the provision of green infrastructure, sustainable drainage techniques, seeking to ensure excellent fabric energy efficiency and through water reduction measures as assessed above.
- The SPD identifies that in respect of homes, the designs will need to encourage more sustainable ways of living through various ways (such as providing space for recycling and composting facilities, providing for easily accessible cycle storage areas, greywater use, rainwater harvesting etc) including providing

gardens and food production and biodiversity (for example, fruit trees, wildflower meadows and log piles). At Elmsbrook, planning condition 35 required a scheme to enable each new resident to choose a fruit tree for their garden or to be provided elsewhere on the site. This was to mitigate the impact of the development and provide biodiversity gain. The applicant has therefore assumed that it will be necessary to provide a fruit tree for each new dwelling which is costed at £101,923.00. Whilst this element of the proposal would have a positive impact on the scheme, it is further the case that in the overall balance where the scheme is unviable and affordable housing is at risk, that this could be a cost saving overall. As above, the design of the development will take into account the need to provide for a sustainable design and careful consideration can be given to factors such as ensuring that sustainable modes of transport are optimum etc. The provision of fruit trees could also be negotiated through detailed landscaping schemes within public open space areas or allotment areas without the cost needing to be attributed to each individual dwelling.

- The applicant has included a cost of £272,400.00 as costs associated with lifts to apartments which assumes that all homes must meet lifetime homes standards. Lifetime Homes minimum space standards are identified as a requirement for all homes by the SPD and Policy Bicester 1 identifies that the 'layout should achieve Building for Life 12 and Lifetime Homes Standards'. It is understood that the Lifetime Homes Standard has been broadly replaced by the optional Building Regulations M4(2) 'accessible and adaptable dwellings' standard. The Council's Developer Contributions SPD identifies that 50% of affordable rented dwellings will need to meet the M4(2) requirement (and that 1% of the house housing should be built to M4(3) requirements). The achievement of M4(2) sized dwellings for all properties (broadly equivalent to the Lifetime Homes Standard as required by Policy Bicester 1) would impact build cost and this is clear based on the costs associated with lifts to all apartments. Officers consider that this cost would not be required for all apartments, again balanced against the overall picture on viability and impact on affordable housing. This cost may not be able to be removed in its entirety though as the required standard for affordable housing should be pursued to ensure that it is delivered to meet needs.

9.237. Whilst Officers accept that removing these costs is regrettable, it is clear that these costs are impacting viability such that if retained, the level of affordable housing is reduced. These costs appear not to be related to the achievement of True Zero Carbon at the site but instead appear to be related to wider sustainability aspirations and are largely presented as 'options' through the SPD. The importance of those wider sustainability aspirations must not be ignored in meeting the ambitions for NW Bicester as a whole but, where there is a demonstrable viability gap, the achievement of a Policy compliant development before features over and above this is recommended and this value engineered scheme is therefore recommended to be the cost basis.

9.238. It is relevant to note here that the Council's advisors position was that there is a viability gap of £6.35m and removing the above elements of build cost would make a significant contribution to closing this gap. Whilst it might therefore seem that with some further modest changes to the S106 requested obligations and to affordable housing, that it might be possible to close the gap and protect the delivery of 30% affordable housing, it is understood that this may not be the case when updating all inputs to the appraisal to a Q4 2022 basis. Further assessment to finalise this matter is therefore required to understand both the gap at this baseline and then what certain changes to the appraisal do to the scheme viability.

## **S106 obligations**

9.239. The Applicants have assumed a S106 package which was based upon advice from Officers at the pre-application stage and this was based upon costs used elsewhere for NW Bicester using work undertaken some years ago. This is then used within the Council's Advisor's work in the absence of further confirmation from Officers. However, this is a matter that Officers have now reviewed in light of requests made by Consultees and in reviewing the contributions sought against the Developer Contributions SPD. The broad list of Heads of Terms sought are repeated below and this assesses what has been assumed and what contribution should be secured to assist the scheme viability. Further detail will then be set out at Appendix 1 of all contributions to be retained as to how each contribution meets the CIL Reg tests which form the recommended heads of terms to be secured as a minimum by this scheme.

- Health provision: the applicant has assumed a cost of £259.46 at 2Q17 per dwelling which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. However, the Council's Developer Contributions SPD sets out a cost of £360 per person at 2Q17 costs. This cost has been sought by the NHS Buckinghamshire, Oxfordshire, Berkshire West Integrated Care Board and, in order to ensure that the ICB are able to fund the provision of health care services to meet the needs of the population, it is recommended that the higher cost of £360 per person at 2Q17 costs is sought. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at appendix 1.
- Neighbourhood policing: the applicant has assumed a cost of £151.30 per dwelling at 2Q17 which aligns with the cost secured in other S106 agreements relating to NW Bicester. Whilst Thames Valley Police have not sought a contribution from this scheme, for consistency across the NW Bicester site and to align with requests made to other sites (on the same cost basis as above), Officers consider that this cost should be retained as set out. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at appendix 1.
- Community Buildings: the applicant has assumed a cost of £1050.94 per dwelling at 2Q17 which aligns with advice from Officers which was based upon historic work for development to the north of the railway line at NW Bicester. The Council's Developer Contributions SPD assumes a cost for community building infrastructure of £580 per person at 2Q17 costs. Officers have therefore taken the SPD cost despite this being higher to ensure that community facilities can be constructed which meet the needs of the population. However, the applicant has been asked to provide a signalised crossing of the B4100 to access St Lawrence Church at Caversfield and this has been costed at £100,507.00 (accounted for in the Cost Plan). It is proposed to deduct this cost from the overall contribution towards community buildings as access would be improved to the church for the community and this may give opportunities for its greater use. The resultant cost is higher than assumed by the applicant and the total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at appendix 1.
- Community Development Workers and a fund: the applicant has assumed a contribution based upon £347.46 and £45.29 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester which assumes two community development workers are in post for 20 years in

a full time capacity and then a further 4 years in a part time capacity. This is far in excess of the Council's Developer Contributions SPD which requires (even with this development combined with the rest of NW Bicester), a worker at 0.8FTE would be required for 2.5 years. The benefit that a Community Development worker would bring is important in supporting the social development of the new community. But, in a scenario where a development is unviable, Officers recommend that a contribution towards this support is **NOT** pursued to assist in the viability of the scheme.

- Primary education: Oxfordshire County Council seek a total contribution of £5,030,076 (base of BCIS All-In TPI 327). Officers consider this contribution is required as it is based upon OCC's rates per pupil to provide capacity at Gaggle Brook Primary School. OCC also acknowledge in their comments that the Gaggle Brook school benefitted from forward-funding from Cherwell District Council and therefore it is currently being clarified whether the requested contribution includes a payment towards re-paying the forward funding. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Secondary education: Oxfordshire County Council seek a contribution of £3,360,870 (base of BCIS All-In TPI 327). Officers consider this contribution is required as it is based upon OCC's rates per pupil to provide secondary school capacity at a new school on the NW Bicester site. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Secondary education land contribution: Oxfordshire County Council seek a contribution of £299,970 (base of RPIX November 2020). The land required for the secondary school is elsewhere on the NW Bicester site and OCC advise that this development would be expected to contribute proportionately towards the cost of this land. Officers have queried this contribution with OCC but if it is required, then Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Special educational needs: Oxfordshire County Council seek a contribution of £260,249 (base of BCIS All-In TPI 327). Officers consider this contribution is required as it is based upon OCC's rates per pupil for special education needs provision and to meet expected demand from a development of this scale. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Sports pitches (capital and maintenance): the applicant has assumed a cost of £478.03 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. However, the Council's Developer Contributions SPD sets out a cost of £2,017.03 per dwelling at 2Q17 costs. In order to ensure that sufficient funds are available to provide the outdoor sport facilities elsewhere on the site, it is considered necessary to seek the higher cost. This could impact viability further without other costs being reduced. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at appendix 1.
- Burial ground: the applicant has assumed a cost of £10.06 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. In the absence of another cost, this cost remains relevant and should be secured. The total cost for this item has then been re-indexed to give a figure at December 2022 as set out in the Heads of Terms list at appendix 1.

- Community Management Organisation: the applicant has assumed a cost of £1417.91 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. The intention has always been to seek contributions to enable the establishment of an organisation to enable community governance across the site which was costed for a 30 year period. In order to assist viability, Officers have considered this proposal further and determined that as this development is an early phase of the overall development, that it would be reasonable to reduce the costs of this contribution to account for a 10 year period only. In this way, a contribution is still made to the CMO proposal but at a third of the cost assisting with the viability gap. As such, Officers advise that the **amended** contribution as set out in Appendix 1 (with the total figure re-indexed to give a figure at December 2022) be secured.
- Maintenance of community facilities: the applicant has assumed a cost of £394.07 per dwelling at 2Q17 costs which aligns with the cost secured in other S106 agreements relating to NW Bicester based upon historic work. The cost relates to long term management and maintenance of community halls, allotments and the community farm planned elsewhere at NW Bicester for a 30 year period as the costs were derived from the work to establish the costs for a CMO assuming that they would take the lead in managing those facilities. This ongoing maintenance of community facilities will be required and so Officers advise that this contribution continue to be secured as set out in Appendix 1 (with the total figure re-indexed to give a figure at December 2022).
- Household waste receptacles and recycling points: the applicant has assumed a cost for this which is slightly lower than the figure requested in the Council's Developer Contributions SPD (£111 - £106 for bin and collection vehicle provision and £5 towards recycling banks). However, Officers consider that this cost can be deducted from the S106 costs and that a condition or S106 requirement can be imposed to ensure that households are provided with sufficient waste facilities prior to occupation. This will continue to ensure that the ambitions for the site in terms of reducing waste to landfill and ensuring that waste is dealt with sustainably can be met. Officers therefore advise that this cost **NOT** be pursued through S106.
- Oxfordshire County Council have sought contributions towards sustainable transport promotion including to provide for public transport services and infrastructure, pedestrian and cycle infrastructure offsite, towards a bridge to cross the water course to enable connections to the land to the south and towards new and improved public rights of way within the vicinity of the site as well as to monitor the required travel plan. OCC have confirmed that there is no flexibility in their requests for these items of infrastructure. Officers agree that the contributions should be secured as requested. A key part of achieving sustainable development at NW Bicester is to contribute to the achievement of ambitious modal shift targets and more generally, planning policy at the local and national level confirms that development must promote sustainable transport. In this context, it would be difficult to justify a reduction in S106 costs sought towards sustainable transport improvements. As such, Officers advise that the costs as set out in Appendix 1 (albeit Officers will liaise with OCC to ensure the cost is based upon the most recent index possible) should be secured.
- A contribution to the improvements required to the junction of Charlotte Avenue and the B4100 has been requested by OCC. OCC originally objected to the scheme on the basis that they questioned whether there would be sufficient capacity at the Charlotte Avenue junction to accommodate the traffic from the



development. Improvements to the junction through signalisation are known to be required as a result of wider NW Bicester development as an access to a much larger area of development. On the basis that this improvement would require careful design and modelling in conjunction with the upgraded B4100/A4095 junction, OCC request a proportionate contribution towards the future upgrade of the junction. Officers therefore agree that this contribution should be secured (this is set out in Appendix 1, albeit Officers will liaise with OCC to ensure the cost is based upon the most recent index possible).

- A contribution to the improvements required to the junction of the B4100 and the A4095: Oxfordshire County Council have sought a contribution of £278,330 (index linked Baxter from December 2020) towards the proposed improvements at the Banbury Road roundabout. It is understood that this work will be forward funded (including with some Garden Town Funding), however Officers have not received confirmation as to whether this can be treated as grant and thus not re-paid where there is a viability case. In the absence of confirmation as to whether this is required to be re-paid, Officers advise that this figure be retained as a S106 cost unless otherwise advised. Officers will liaise with OCC to ensure the cost is based upon the most recent index possible.
- Bicester Leisure Centre: the applicant has assumed a cost of £493.00 at 2Q17 costs towards improvements towards indoor sport provision at Bicester Leisure Centre. This cost aligns with the contributions secured from other sites at NW Bicester but is lower than the cost that would be required should the contribution be based upon the Council's Developer Contributions SPD. In discussing this contribution with the Leisure and Recreation team, Officers have been advised that the contribution could be lowered to relate onto to the swimming pool element of the cost due to an ongoing project aiming to deliver improved swimming pool provision at the leisure centre. Officers consider that this lower contribution should therefore be pursued as set out at appendix 1.
- Offsite biodiversity to mitigate for farmland birds: the applicant has assumed a contribution towards a biodiversity offset scheme to mitigate for farmland birds as has been secured from other NW Bicester sites. This was identified through the strategic environmental work to support the whole NW Bicester Masterplan which set out that 'it was accepted at an early stage that the Masterplan site was of value to farmland birds and that these species could not be accommodated within the Masterplan design'. The proposal was to secure funds to enhance local habitats for farmland birds and work was undertaken to anticipate a cost which could be proportionately shared across the site. As is assessed earlier, the site is able to (subject to this being secured appropriately) achieve a net biodiversity gain and the applicant's EIA found no ground nesting farmland bird of conservation concern on site during the most recent survey work and found that the conditions on site were not typically favoured by ground nesting birds. On this basis, whilst the site would not make its proportionate contribution towards this mitigation identified, the site itself would cause limited impact on farmland birds and therefore in order to assist viability, Officers consider that this contribution should **NOT** be pursued.
- A contribution towards the costs of the strategic infrastructure required at NW Bicester has been accounted for, with the applicant proposing a contribution of £3,117,646 (indexing to be confirmed) in the absence of a figure having been sought. OCC have considered the figure proposed and in considering this have confirmed that this should cover phase 2 works (the bulk of the works required for the A4095 realignment). It is not known whether this total cost would also cover phase 3 (a bus link at the south of the site and the treatment of the existing Howes Lane) works but those works are not yet costed so it would be difficult to

justify an alternative. On the basis that OCC accept this cost and that a contribution towards this infrastructure is required as a proportionate contribution towards those strategic works, Officers consider that this contribution should be pursued as set out in appendix 1.

- OCC have sought contributions towards library services and household waste recycling centres. Officers have accounted for these in appendix 1 but have queried whether there are any savings to be made against these requests bearing in mind the overall viability picture. Officers seek delegation to amend/remove these requests should that be possible and for this to be taken into account in the minimum level of affordable housing to be secured.
- OCC sought a contribution towards Children's Centres but have since confirmed that this contribution is not required. On this basis, this is not accounted for in appendix 1.
- A Network Rail Shared Value contribution has not been accounted for by the applicant but it is a cost that OCC are obliged to seek based upon their Property agreement with Network Rail (related to the underbridges already delivered). The relevant Shared Value payment would be approximately £768,500, however, the OCC agreement with Network Rail acknowledges that 'compliance with the Council's obligations to its funders and the securing of Reg 122 infrastructure will be prioritised over obtaining any agreement for Shared Value Contributions in applicable S106 obligations'. On the basis that the scheme is unviable and the scheme cannot be entirely Policy compliant, OCC have confirmed that a Network Rail Shared Value contribution can not be pursued. This would be in the interest of retaining value in the scheme for the purpose of mitigating the impacts of the development and achieving closer to policy compliant development than could be achieved should this payment be required.
- A contribution towards the HIF forward funding used to fund the underbridges has not been accounted for by the applicant and OCC have latterly confirmed that this does not need to be recouped via S106 based upon their agreement with Homes England.
- The requirement to provide for cultural wellbeing/ public art: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- The requirement to monitor the development to the standards expected: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- The requirement to provide for a training and employment plan and to commit the provision of apprenticeship starts: this is a S106 requirement but has not been allocated a cost in the viability appraisal.
- 30% Affordable Housing – assessed below
- The requirement to achieve true zero carbon via a strategy – assessed below
- The development would also be required to set out and then manage and maintain areas of open space and play areas: this matter has not been allocated a cost in the viability appraisal and Officers have queried this with the applicant because it will result in a cost through either commuted sums should areas be transferred to the Council or through safeguarding funds should a Management Company arrangement be pursued.

- A requirement to pay to both the District and County Councils a monitoring fee: OCC have not confirmed their fee but Officers seek £10,000 for the District Council to monitor the development.

The applicant has included the following which have either been queried or advised as not required:

- Howes Lane Interim Scheme was proposed to increase transport capacity to accommodate the development in advance of the strategic infrastructure. OCC advised that the scheme would not provide enough of a benefit to justify the cost and disruption to the network. The scheme was therefore not pursued and OCC do not object to the development on transport grounds. As such, this cost will need to be removed from the S106 costs.
- The applicant included a contribution towards a sports pavilion. This was not requested as previously it was assumed that the developments to the south of the railway line would contribute to this and a community facility at the south. As such, Officers have not sought a contribution towards this piece of infrastructure as removing this cost should help the viability of the scheme.
- The applicant accounted for a cost to adopt unallocated parking bays. This cost was not requested by OCC and it is not clear whether this would be required as it is not clear if they would be within an area that OCC would adopt. This cost has therefore been recommended to be removed as a S106 cost, however OCC have advised that any later highways agreement may legitimately consider this matter depending upon the specifics of the case.
- The applicant has accounted for a cost towards 'local road improvements' however Officers are unclear what these are and whether these are legitimately a S106 cost or whether they are a build cost. The cost included has not been sought by OCC, however this matter may require review depending upon what the cost is intended to cover.
- The applicant proposed a contribution towards local village traffic calming measures. This was not sought by OCC and therefore Officers have advised that this contribution be removed from the S106 requirements.

9.240. Officers are mindful that there is a minimum level of infrastructure required to make a scheme acceptable in terms of mitigating its impacts. Through its review of the S106 requirements, Officers have sought to establish the minimum level of infrastructure that would be required in this respect also seeking to ensure that the impact of the viability gap does not mean the loss of affordable housing only. Should Members disagree with the Officer view on these elements then further work could be undertaken to review this, however where S106 costs increase, then the level of affordable housing that could be secured would fall.

### **Affordable Housing**

9.241. The applicant anticipates an affordable housing level of 10-15% based upon their understanding of the position. The final level of affordable housing is still to be concluded through further assessment work as highlighted above and using the S106 costs confirmed by Officers. It is anticipated that this may be possible for this to be reported to Members through the Written updates but that this is likely to be within this range. This level falls significantly short of the Policy Compliant level of affordable housing required by Policies BSC3, Bicester 1 and the NW Bicester SPD and Officers are mindful of the significant pressing need for affordable housing for the District. However, Officers are also mindful that where a viability gap is proven and accepted,

that a solution must be reached and that this must consider all matters. Should Members wish to secure additional affordable housing, then the S106 costs would need to be varied further and/ or a lower build cost standard achieved. Officers have reached a recommendation which seeks to provide for a balanced approach.

9.242. The basis for affordable housing has been to secure affordable rented dwellings and to retain the split within the overall number to be 70% rented and 30% intermediate. First Homes has not been modelled and it is understood that social rent would impact viability still further. Officers consider that further work can be undertaken through the S106 negotiation process to ensure that the minimum provision for affordable housing can be maximised in both number, mix and type and to work with the Strategic Housing Team to identify what type of dwellings are most needed to ensure that what is secured is most beneficial – albeit this could impact build cost/ values and could result in a lower overall percentage. Officers are unable to advise on this level of detail at this stage and therefore recommend that Members support a broad level of 10-15% affordable housing with delegation provided to Officers to secure a minimum within this range and to negotiate the detail of this provision working alongside the Strategic Housing team.

### **True Zero Carbon**

9.243. As indicated previously, the applicant's proposal is to construct the dwellings to Future Homes Standard which falls short of the True Zero Carbon requirement and is a standard that will be introduced through the Building Regulations which it is understood will therefore be the required build standard for any new development from 2025 (some amendments have been introduced already starting from the 15 June 2022). The applicant then offered a contribution of £543,600 based upon £60 per tonne to offset the remaining carbon to achieve the True Zero Carbon requirements.

9.244. The Council's Sustainability advisors, Bioregional, have identified that a cost of £60 per tonne is unlikely to be sufficient to offset the required carbon, especially as this figure was adopted some years ago by the Greater London Authority and a more sophisticated approach to calculating a contribution should be adopted which acknowledges that the level of carbon needing to be offset over time should reduce (taking into account energy generally becoming 'cleaner') but that the cost overtime to offset would likely increase. Using this methodology, a greater contribution would be required and this would further impact the scheme viability.

9.245. At this point in time, the Council does not have an agreed contribution rate for carbon offsetting or a scheme to spend any contributions that it might secure in this way. Such a scheme could see significant financial contributions made to it if other developers were to rely on such an approach and it would become the Council's responsibility to offset the required level of carbon to ensure developments met the standard. This would be a significant burden for the Council now (that is not to say that such a scheme could not be secured in the future but in this respect, it could be appropriately planned to ensure that contributions are appropriate in terms of cost and how they are spent to achieve the benefit required).

9.246. In this case and based upon the current situation, Officers consider that it is appropriate to secure the £543,600 offered by the applicant but, that rather than this be secured as a contribution payable to the Council, that this be secured as a fund for use on the site to provide for tangible benefits over and above what the development would achieve in meeting the future homes standard. This might include additional PV or even better fabric efficiency on some or all dwellings to result in a scheme which goes beyond future homes standard (and therefore what is expected will result on all other sites anyway) albeit that this will likely not reach the true zero carbon standard.

It is proposed that this contribution be secured through a schedule which requires a strategy to show how each phase of development will contribute, as far as possible to the true zero carbon standard (albeit acknowledging that this standard may not be achievable).

### **Approach to viability moving forward**

9.247. Given the solution recommended and the relatively low level of affordable housing that it is anticipated can be secured at this stage, as well as the outline nature of the scheme at this stage, uncertainties in costs and values and certain assumptions made at this stage which are questioned (such as the size and mix of dwellings), it is recommended that the S106 includes a viability review mechanism. The timing of this would be at each reserved matters stage (including the first) to ensure that any improvement in value generated by a more optimum scheme that might be brought forward at the reserved matters stage can be captured and ensure that the actual proposals in terms of reaching the true zero carbon/ sustainability standards can be accounted for. This would be an upward only review process meaning that the minimum level of infrastructure secured at the outline stage would not be lost but that where additional value is generated, that this would be used to secure additional affordable housing up to a maximum of a policy compliant level. Should further value be identified then Officers would recommend that this be used on site to further improve the build standards (in preference to seeking S106 obligations that it is advised that are dropped as identified above).

### *Conclusion*

9.248. Officers have carefully considered the viability case and have balanced all requirements at NW Bicester to seek to recommend a solution to the viability issue which enables all Policy requirements to be met without one area being lost entirely. The review mechanism suggested would also ensure that should circumstances change where development viability improved and based upon the specifics of a scheme at a reserved matters stage, that additional affordable housing up to a maximum of a policy compliant level could be secured (and that if the development was still more viable that other sustainability measures could be secured). However, it is necessary to advise that if the development viability did not improve or was worse than anticipated, that the recommended solution may be all that is deliverable by the scheme.

9.249. The balanced solution to the viability gap is recommended to be:

- 10-15% Affordable Housing (final % to be confirmed once further work has been undertaken as the minimum to be secured)
- A S106 package as set out in Appendix 1 which sets out the recommended Heads of Terms taking into account the assessment above (final HoT to be confirmed once some queries have been dealt with as set out above)
- The development built to Future Homes Standard with the applicant's offered contribution of £543,600 set aside and identified for use on site to enable additional benefit to the site over and above the development achieving Future Homes Standard.

9.250. Whilst this solution to the viability gap does not meet Planning Policy requirements in a number of ways – i.e. it does not achieve Policy compliant levels of affordable housing, it does not provide for all sought S106 obligations and it does not achieve the build standards required at NW Bicester, Officers consider that the approach recommended ensures that the scheme responds to each of the Policy requirements for the site as far as it possibly can based upon the information before it taking into account that with all requirements, the scheme would not be viable.

9.251. The recommended solution, acknowledging that there is conflict with the Development Plan, must then be weighed in the overall planning balance taking into account all positive benefits and negative impacts of the development when assessed as a whole in order to reach a reasoned recommendation for the scheme.

### The Environmental Statement

#### *Policy and Legislative Context*

9.252. The Environmental Statement is a mechanism for assessing the significant environmental impacts on the development proposals and the mitigation attached to these areas. The applicant's conclusions and assessment within the Environmental Statement (and summarised at Chapter 15) is considered to be accurate and an appropriate response to the issues on the site and cumulatively when considered with developments in the area.

9.253. Impacts are defined as changes arising from the Proposed Development, and consideration of the result of these impacts on environmental receptors enables the identification of associated effects, and their relative significance. The significance of each effect has been identified both before and after mitigation measures have been applied. Effects after mitigation are referred to as 'residual effects'. Consideration of effect significance has given due regard to the following:

- extent (i.e. local, regional or national) and magnitude of the impact;
- effect duration (whether short, medium or long-term);
- effect nature (whether direct or indirect, reversible or irreversible);
- whether the effects occur in isolation, are cumulative or interactive;
- performance against environmental quality standards and in the context of relevant legislation, standards and accepted criteria;
- number of receptors affected;
- sensitivity of receptors;
- compatibility with environmental policies; and
- professional experience and judgement of the assessor.

9.254. Definitions of the standard terms are provided as follows:

Relative significance of effects (in each case to an environmental resource or receptor):

- negligible - imperceptible effects;
- minor - slight, very short or highly localised effect;
- moderate - limited effect (by extent, duration and/or magnitude); and
- major - considerable effect (by extent, duration and/or magnitude) for example of more than local scale or in breach of recognised acceptability, legislative or policy standards;

Nature of effects (in each case to an environmental resource or receptor):

- adverse - detrimental or negative effects;
- neutral - effects that are neither advantageous or detrimental; and

- beneficial - advantageous or positive effect.

9.255. Moderate and major effects are generally considered to be 'significant' for the purposes of the EIA Regulations, in accordance with standard EIA practice.

9.256. In accordance with the requirements of Regulation 29 of the Environmental Impact Assessment Regulations. The summary of the residual impacts has been measured by the applicant.

9.257. There have been no areas where consultees have advised that the Environmental Statement and the associated assessment has required amendment or alteration to the characterisation or the methodology applied. This includes all statutory consultees and the assessment of cumulative impacts.

9.258. The Application and Environmental Statement should not be considered as an opportunity to re-rehearse or assess matters of the allocation of the site as this and the associated Strategic Environmental Assessment have been found sound through independent examination.

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

10.1. Sustainability is the golden thread that runs through the National Planning Policy Framework and this is reflected in the policies of the adopted Cherwell Development Plan. The three strands of sustainability are economic, social and environmental as set out at Paragraph 8 and 9 of the NPPF.

### **Positive Benefits – Economic**

10.2. The proposals will contribute significantly to the Council's Housing Supply in terms of the short and medium term due to the size and duration of the project. The proposals support the Council's Growth strategy and provides support to the Development Plan. These elements, in accordance with decisions of similar sized projects should be afforded very substantial positive weight.

10.3. The proposals will create construction jobs and also support facilities and employment in businesses, shops and services within the area and mixed use employment areas within the wider application proposals. Due to the scale of the development these should also be afforded substantive positive weight.

### **Social**

10.4. The proposals will provide affordable housing at a tenure providing housing for those in need and a significant social benefit. The social benefits of the housing elements are considered to be a significant positive element.

10.5. The proposals would also provide significant social benefit from on site recreation and play facilities which would be at the level expected by policy. The provision of other green infrastructure would also be of significant community benefit to future residents and provide recreational opportunity and routes.

10.6. Through s106 contributions the proposals would result in a range of community based infrastructure being supported across the wider NW Bicester site which would also be of significant benefit.

10.7. The provision jobs and employment in terms of supporting jobs and opportunities is also considered a significant community and social benefit.

## **Environmental**

- 10.8. The creation of new green infrastructure alongside carries significant positive benefit.
- 10.9. The retention of trees and landscape features around the boundary and providing the structural link to the history of the site are substantive positive benefits. The retention and management of the trees for landscape and ecological benefit are given positive weight. The proposals also committing to a minimum of 10% biodiversity net gain which also carries significant positive weight.
- 10.10. The proposals commit to the provision of a development that will progress to zero carbon and adopting the latest best practice in seeking to develop the site through a stepped approach to energy, which includes a fabric first approach, a stepped move away from fossil fuelled heating, low carbon heating technology, and the incorporation of renewables (e.g, air source heat pumps and photovoltaics). Other initiatives will include electric charging points and development of low energy that will exceed a carbon reduction above the current levels. As explained above, whilst the proposals would not achieve the policy objective of true net zero carbon development but the positive progression towards net zero and to be built to Future Homes Standard should be given positive weight.

## **Negative impacts**

- 10.11. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.12. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 10.13. The proposal has been demonstrated to be unviable and therefore cannot achieve policy compliance in a number of ways. Whilst delivering affordable housing, this would not be to the level expected by Planning Policy and the site would not deliver True Zero Carbon as also expected by Policy Bicester 1. The S106 contributions sought have been varied or reduced to also assist viability. Whilst Officers have reached a conclusion on these matters, they do carry moderate negative weight in the planning balance.

## **Conclusion**

- 10.14. Officers are mindful of the significant positive impacts that would arise from the development and attribute this significant weight. Whilst the viability picture is difficult and planning policy cannot be met in respect of a number of areas, the balanced approach to how this issue can be resolved as explained is considered to be an acceptable way forward that would ensure the development satisfactorily mitigates its impacts.
- 10.15. The development would have a transport impact should it be delivered in advance of the strategic infrastructure for the site but Oxfordshire County Council have accepted that the impact would not be severe and that they have no objections to the proposal in this context.



10.16. Taking all material considerations into account, Officers conclude that the scheme represents an acceptable development proposal and recommend that outline permission be granted subject to various matters as set out in the recommendation below.

## **11. RECOMMENDATION**

### **DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO:**

- i. THE EXPIRY OF THE CONSULTATION PERIOD ON THE 15 JANUARY 2023 AND CONFIRMATION THAT AT THE CLOSE OF THIS CONSULTATION PERIOD, NO RESPONSES HAVE BEEN RECEIVED RAISING NEW MATERIAL ISSUES WHICH, IN THE VIEW OF THE ASSISTANT DIRECTOR, HAVE NOT BE DEALT WITH IN THE ASSESSMENT OF THE APPLICATION AS SET OUT ABOVE;**
- ii. THE COMPLETION OF AN AGREEMENT UNDER S106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), TO SECURE THE INFRASTRUCTURE IN ACCORDANCE WITH THE HEADS OF TERMS (APPENDIX 1) AND THE COMMITTEE'S DECISION, IN CONSULTATION WITH THE CHAIRMAN OF THE PLANNING COMMITTEE, AND FOLLOWING THE COMPLETION OF ANY FURTHER NEGOTIATION AND VIABILITY TESTING;**
- iii. CONDITIONS [TO BE SET OUT IN FULL IN THE WRITTEN UPDATES] WITH DELEGATION PROVIDED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO MAKE ANY REQUIRED AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY**

CONDITIONS (TO BE PREPARED COVERING THE FOLLOWING TOPIC AREAS):

1. The Reserved Matters
2. Timing and Implementation
3. Approved Parameter Plans and Design Principles Document
4. Design Code(s)
5. Phasing
6. Reserved Matter submission – Compliance Statements
7. Ground Contamination and Remediation
8. WSI and Archaeology Strategy
9. Site Wide Soil Handling and Earthwork Strategy
10. Strategic Construction Environmental Management Plan
11. Fibre Optic Strategy
12. Future Home Standard
13. Drainage Strategy and Details
14. SuDs Management
15. Travel Plan
16. Youth and play strategy
17. Ecological Mitigation Implementation and Management Strategy
18. Housing Mix, Residential Space Standards and Home Working
19. Construction – no burning of waste, no reversing alarms, working hours
20. Lighting
21. Site levels.
22. Tree Management and Protection of Existing Trees
23. 530 dwellings
24. Green Walking and Cycling Routes
25. Community Garden and Orchard
26. Allotments Strategy

27. Play within the Strategic Landscape
28. Waste and Recycling Facilities
29. Foul Water
30. Hard and Soft Landscaping
31. LAPs, SIPs and Informal Play
32. LEAPs
33. Noise Mitigation
34. Overheating assessment
35. Construction Standards

**APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking**

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Health provision	£533,694 index linked BCIS from December 2022  (based upon 530 dwellings)	TBC	<b>Necessary – TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind – TBC</b>
Neighbourhood policing	£98,449 index linked CPIX from December 2022  (based upon 530 dwellings)	TBC	<b>Necessary – TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind – TBC</b>
Community Building Provision	£770,535 index linked BCIS from December 2022  (based upon 530 dwellings)	TBC	<b>Necessary – TBC</b>  <b>Directly related – TBC</b>  <b>Fairly and reasonably related in scale and kind – TBC</b>
Primary Education	£5,030,076 index linked BCIS All in TPI 327	TBC	<b>Necessary – TBC</b>  <b>Directly related – TBC</b>

			<b>Fairly and reasonably related in scale and kind – TBC</b>
Secondary Education	£3,360,870 index linked BCIS All in TPI 327	TBC	<b>Necessary – TBC</b> <b>Directly related – TBC</b> <b>Fairly and reasonably related in scale and kind – TBC</b>
Special Educational Needs	£260,249 index linked BCIS All in TPI 327	TBC	<b>Necessary – TBC</b> <b>Directly related – TBC</b> <b>Fairly and reasonably related in scale and kind – TBC</b>
Sports Pitches and Maintenance	£1,307,389.78 index linked CPIX from December 2022	TBC	<b>Necessary – TBC</b> <b>Directly related – TBC</b> <b>Fairly and reasonably related in scale and kind – TBC</b>
Burial Ground	£6,520.65 index linked CPIX from December 2022	TBC	<b>Necessary – TBC</b> <b>Directly related - TBC</b> <b>Fairly and reasonably related in scale and kind – TBC</b>
Landscape and play area provision and ongoing management and maintenance			<b>Necessary</b>

			<p><b>Directly related.</b></p> <p><b>Fairly and reasonably related in scale and kind.</b></p>
Community Management Organisation	£306,350.36 index linked CPIX from December 2022	TBC	<p><b>Necessary – TBC</b></p> <p><b>Directly related – TBC</b></p> <p><b>Fairly and reasonably related in scale and kind – TBC</b></p>
Community Facility Maintenance	£255,426.59 index linked CPIX from December 2022	TBC	<p><b>Necessary – TBC</b></p> <p><b>Directly related – TBC</b></p> <p><b>Fairly and reasonably related in scale and kind – TBC</b></p>
Bus Provision and infrastructure	£696,118 index linked PRI-X from December 2020	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>
Pedestrian and cycle infrastructure	£362,465 index linked Baxter from December 2020	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>

Pedestrian/ cycle bridge	£15,000 (indexation TBC	TBC	<b>Necessary</b> TBC <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Rights of Way	£50,000 index linked Baxter from July 2021	TBC	<b>Necessary</b> TBC <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Improvements to the junction of Charlotte Avenue and B4100	£47,289 index linked Baxter from December 2020	TBC	<b>Necessary</b> TBC <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Improvements to the junction of B4100 and the A4095	£278,330 index linked Baxter from December 2020	TBC	<b>Necessary</b> TBC <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Local Road Improvements TBC	TBC	TBC	<b>Necessary</b> TBC <b>Directly related.</b> TBC

			<b>Fairly and reasonably related in scale and kind.</b> TBC
Bicester Leisure Centre	£344,635.95 index linked BCIS from December 2022	TBC	<b>Necessary TBC</b> <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Strategic Highway contribution	£3,117,646 (Indexation TBC	TBC	<b>Necessary TBC</b> <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
S106 Monitoring	CDC - £10,000 OCC - TBC	On completion of the S106	<b>Necessary TBC</b> <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC
Library Services	£28,073 index linked BCIS TPI 327	TBC	<b>Necessary TBC</b> <b>Directly related.</b> TBC <b>Fairly and reasonably related in scale and kind.</b> TBC

Secondary School Land Contribution	£299,970 index linked RPIX from November 2020	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>
Household Waste Recycling Centres	£49,799	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>
Cultural Wellbeing Strategy	Nil	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>
Developer Led Monitoring	Nil	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p> <p><b>Fairly and reasonably related in scale and kind. TBC</b></p>
Skills and Training	Nil	TBC	<p><b>Necessary TBC</b></p> <p><b>Directly related. TBC</b></p>



			<b>Fairly and reasonably related in scale and kind.</b> TBC
Affordable Housing – within the range of 10-15% with further details delegated to Officers to resolve working with the Strategic Housing team	Nil		<b>Necessary TBC</b>  <b>Directly related.</b> TBC  <b>Fairly and reasonably related in scale and kind.</b> TBC
Construction standards (or to be covered by Condition)	Nil	TBC	<b>Necessary TBC</b>  <b>Directly related.</b> TBC  <b>Fairly and reasonably related in scale and kind.</b> TBC
Zero Carbon Strategy – to calculate how each phase could contribute towards the true zero carbon standard and use the £576,309 (index linked BCIS from 1Q 2022) could be used to result in additions beyond FHS		TBC	<b>Necessary TBC</b>  <b>Directly related.</b> TBC  <b>Fairly and reasonably related in scale and kind.</b> TBC

Agenda Item 9  
22/02/24 7/F

Unit 6  
Oxford Technology Park  
Technology Drive  
Kidlington  
OX5 1GN



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Oxford Technology Park  
Technology Drive  
Kidlington  
OX5 1GN**

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Oxford Technology Park  
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Kidlington  
OX5 1GN**

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**Case Officer:** Andrew Thompson

**Applicant:** Oxtec Developments Limited

**Proposal:** Planning Application for Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective)

**Ward:** Kidlington West

**Councillors:** Cllr Conway, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major Development

**Expiry Date:** 9 January 2023

**Committee Date:** 12 January 2023

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located to the south of Langford Lane and east of Technology Drive, towards the north-western edge of the built-up area of Kidlington. It comprises Plot 6 on the 8.3ha Oxford Technology Park, which lies south of London Oxford Airport and west of the Motor Park.
- 1.2. The application site is part of a wider area that was identified as an area for a small scale review of the Green Belt to accommodate identified High Value Employment Needs by Policy Kidlington 1 of the adopted Cherwell Local Plan 2011-2031 Part 1.
- 1.3. The application site is part of a larger site which is the subject of outline planning permission for a technology park comprising 40,362sqm of office, research and development and storage and ancillary space, subject to a number of parameters and restrictions as set out in conditions and a planning obligation associated with the consent. Whilst a number of building and elements of the permission have been implemented, the timescale for the submission of further Reserved Matters has expired.
- 1.4. Delivery of approved development on Plots 1, 3, and 5 of the Oxford Technology Park development are currently under construction and a hotel on Plot 2 (now known as Premier Inn Oxford Kidlington Airport) is open and trading. Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee. These have been submitted as both reserved matter submissions and full applications.
- 1.5. The road and principal access have been constructed and is operational for the Premier Inn and the completed units. Site preparation work has commenced on a number of plots and work has commenced on a number of units.
- 1.6. The application site (Plot 6) comprises a 0.78ha rectangular area of flat serviced land on the east side of Technology Drive, which lies just south of the developments

on the Langford Lane frontage on the western side of the access road into the Technology Park with Campsfield House Immigration Reporting Centre (IRC) just beyond the rear boundary (to the west).

- 1.7. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the east is the Oxford Motor Park where a number of car dealerships are located. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 1.8. The nearest existing bus stop is located on The Boulevard and currently serves Oxford Spires Business Park and London Oxford Airport. There are further bus stops located along Langford Lane and along the A44 Woodstock Road all of which are within a reasonable walking distance from the site.

## **2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), within 330m of the Rushy Meadows SSSI and is identified as a minor groundwater Aquifer.
- 2.2. Previously before site allocation and remediation works, it had comprised Category 2 best and most versatile agricultural land and had also been identified as potentially contaminated, but those are no longer constraints to development.
- 2.3. The only other notable constraint is a Medium Pressure (MP) Pipeline for Southern Gas Networks running along the western boundary between the application site and the former Immigration Centre.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposals seek planning permission for the construction of a commercial unit within use classes E (g) (i) – (iii), B2 and B8 (Unit 6 – capable of being subdivided into Units 6a and 6b) in a new single building with an area of 4,396sqm, including 2,804 sq. m at ground floor and 1,592 sq. m at mezzanine floor.
- 3.2. It is noted at Officer's site visit that some work on the site clearance and construction of the foundations and elements of the staircore have occurred. The application is now part retrospective. However, the actions of the Developer to implement the scheme proposed prior to receiving planning permission does not have an impact on the planning merits of the proposed and the application must continue to be considered in the normal way.
- 3.3. The proposed building will be 10m tall over two storeys, with a very shallow pitched roof surrounded by a 1.7m parapet, giving the impression of a flat-roofed structure.
- 3.4. The unit will be accompanied by a parking area alongside for 86 cars (including 22 with EV charging points and 6 disabled, 2 of which would have EV charging points). The parking spaces would be split between the front (41 spaces) and the rear of the site (46 spaces) with the disabled parking provision at the front closest to the building entrance. Access from Technology Drive would be from the southern end of the application proposals, potentially to be shared with a future unit, with an access road lead to the rear of the building. The proposals would also include a roller shutter door providing delivery access to the rear of the Units.

- 3.5. The proposals also show two 20 space cycle stores at the front of the building in double height stacking solutions. These have been installed already on the park on building 3.
- 3.6. Refuse and recycling storage are shown in the rear area. These would be contained with two timber boarded enclosures measuring 3.79m by 3.2m and 2.2m in height. Rear fencing would be erected, as per other units around the rear car park and servicing area. This would be a green, wire mesh paladin security fence at 2.4m in height.
- 3.7. The building is described in the application Planning Support and Design & Access Statements as an industrial unit for uses within Use Classes E (g) (i)-(iii), B2 and B8 (consistent with the Local Plan allocation and outline planning consent). The building would be clad in Equitone Rainscreen Cladding Panels in three-tone grey (light, mid and dark) similar to that previously constructed on the remainder of the business park and the units already constructed with Kingspan Quadcore Evolution Cladding Panels providing a degree of contrast with a colour scheme from light grey to dark grey. Glazing would extend along the facades of all four elevations, with windows positioned at both ground and first floor levels.
- 3.8. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the outline planning permission and previously approved reserved matters submissions.
- 3.9. In addition to the submitted plans, application forms and covering letter, the application is supported by the following documents:
  - Planning and Economic Statement
  - Design and Access Statement
  - Construction Environmental Management Plan
  - Technical Note – Sustainability and Energy Statement
  - Transport Statement
  - Drainage Statement and SuDS Maintenance Guide

#### **4. RELEVANT PLANNING HISTORY**

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

14/02067/OUT

OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space

Approved

16/00533/DISC

Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT

Approved

17/00559/F

Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development  
Approved.

17/01542/REM

Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3  
Approved.

17/02233/F

Planning permission granted for a new 3,981m<sup>2</sup> hotel at Unit 2, which is now built and occupied as a Premier Inn.  
Approved.

18/00047/DISC

Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM  
Approved.

19/00734/F

Variation of Condition 2 of 17/02233/F - to remove the brise soleil from proposed building and addition of 1 No window/door. Withdraw drawing numbered AP18 Revision A & AP19 Revision A, and replace with new drawings numbered AP26 & AP27  
Approved.

21/00690/REM

Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3  
Approved

- 4.2 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5.
- 4.3 Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee on 7 October 2021 under reference 21/02148/F.
- 4.4 Under Planning Application Reference 22/01683/F, Planning Committee on 6 October 2022 resolved to grant Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking. (Unit 7).

## **5. PRE-APPLICATION DISCUSSIONS**

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



## 6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper. The final date for comments was **10 November 2022**.
- 6.2. No comments have been raised by third parties.

## 7. RESPONSE TO CONSULTATION

- 7.1. 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

- 7.2. KIDLINGTON PARISH COUNCIL: **No objection** to the principle of this development; but the submitted plans do not show the provision of a footpath from the south of the site which had previously been agreed and therefore objects on that ground.
- 7.3. BEGBROKE PARISH COUNCIL: **No observations** except that they would like the developer Hill Street to provide a cycle/pedestrian path north-south direction to Begbroke Lane RUPP.

### CONSULTEES

- 7.4. OCC HIGHWAYS: **Object:**

- The provision for Electric Vehicle charging is below minimum standards set out in the Oxfordshire Electric Vehicle Infrastructure Strategy and OCC's adopted Parking Standards. Provision for 25% of all parking spaces is required.

- The use of double-stacked cycle parking is inappropriate in this instance and, in accordance with OCC's adopted Parking Standards and LTN 1/20, easily accessible cycle parking that is level with the street is required

(Officer Note: Amended Plans have been received and the County Council increasing the level of EV Charging Points to 25% and County Officers have agreed that the double stacked parking is not contrary to LTN 1/20 and given its installation elsewhere on the development this is considered to be appropriate).

- 7.5. LEAD LOCAL FLOOD AUTHORITY: No Objection subject to conditions relating to implementation of the drainage details.
- 7.6. OCC ARCHAEOLOGY: The proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. As such there are no archaeological constraints to this scheme.
- 7.7. ENVIRONMENTAL PROTECTION –  
General: Satisfied with the contents of the CEMP  
Noise: No comments

Contaminated Land: No comments

Air Quality: No comments

Odour: No comments

Light: No comments

7.8. NATURAL ENGLAND - **No objection**. Based on the plans submitted, the proposed development will not have significant adverse impacts on designated.

7.9. THAMES WATER – No objection

7.10. THAMES VALLEY POLICE - Whilst I do not object to this application, some concerns with the proposals in terms of the potential for crime, and ask that suitable amendments to plans are made.

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

## CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development
- C32 – Provision of facilities for disabled people
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- ENV1 – Development likely to cause detrimental levels of pollution

8.3. Under Section 38 of the Planning and Compulsory Purchase Act 2004, a Neighbourhood Plan that has been approved at referendum also forms part of the statutory development plan for the area. In this case, the application site does not fall within a Neighbourhood Plan.

### 8.4. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Design Guidance (2019)
- CDC Planning Obligations SPD 2018

## **9. APPRAISAL**

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

- Principle of development
- Design, and impact on the character of the area
- Heritage and Archaeology
- Transport and Highways
- Ecology impact
- Flood Risk and Drainage

### Principle of Development

#### *Assessment*

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2015. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.

9.3. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Oxford Technology Park site within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged

through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.

- 9.4. The application site forms part of a larger allocated site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure. The whole site was granted outline planning permission for the construction of 40,362sqm of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 in 2016 (Ref: 14/02067/OUT) with the consent subsequently varied with a modified full permission in 2017 (Ref: 17/00559/F). Furthermore, approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed on this plot. Units 5A & 5B, Oxford Technology Park, being those units most recent approved for similar uses under application (Ref. 21/03913/F), which were considered at committee in May 2022 and subsequently approved, subject to a travel plan monitoring fee and conditions.
- 9.5. It is noted that buildings 1, 3, 5 and Plot 4 are under construction and will provide approximately 22,478 sq. m of floorspace. Plot 7 under Reference 22/01683/F, which will provide 3,455 sq. m. With the 4,396 sq. m proposed under this application the total amount of development at OTP to 34,310 sq. m, well within the quantum of floorspace approved by the Local Planning Authority ('LPA') under the original outline permission (i.e. 40,362 sq. m).

#### *Conclusion*

- 9.6. The proposed development is for a further phase of development of the supported Oxford Technology Park (OTP) that has already significantly commenced. This in itself is also a very special circumstances' justification for supporting further development at the already established OTP that itself remains on Green Belt land.
- 9.7. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site (inclusive of recent permission) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

#### Design, and impact on the character of the area

##### *Legislative and policy context*

- 9.8. The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.9. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.

- 9.10. At the local level Policy ESD15 of the CLP 2015, states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Saved Policies C28 and C30 of the CLP 1996 reinforce this.
- 9.11. Policy Kidlington 1 is relevant and advises (inter alia) that key site specific design requirements will include (but are not limited to: Design for buildings that create a gateway with a strong sense of arrival including when arriving from the airport, a well designed approach to the urban edge, which achieves a successful transition between town and country environments, development that respects the landscape setting of the site and a comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape.

#### *Assessment*

- 9.12. With regard to the existing context, the application site is flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the new hotel and neighbouring commercial development also to the north and the car showrooms to the east of the site. The scale of buildings generally located to the south of London Oxford Airport are similar to the current development proposals as large commercial units.
- 9.13. The proposed development comprises a single rectangular building sited perpendicular to the main spine road through the technology park site. The design of the building is consistent with the appearance of the buildings recently constructed on Plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The building has been designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof, which is again consistent with the adopted design approach within the Technology Park.
- 9.14. In terms of scale, the building would be two-storey in height, consistent with the other commercial buildings on Plots 1 and 3 and the hotel on Plot 2 (also similar with the design and scale approved at Unit 5). This creates a uniformity of scale, design, and material finish within the Oxford Technology Park site. The layout, scale and appearance of the proposed building is therefore considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.15. The applicant, through the course of the development has updated the Roof Plan which now shows a substantial area capable of accommodating PV solar panels.
- 9.16. The comments of Thames Valley Police are noted however many of these elements of the development are covered by Building Regulations. The concerns with regard to the location of cycle parking is noted however it is disagreed that these are not in an appropriate location and these would be overlooked.
- 9.17. The landscape scheme for the site is also consistent with the principles agreed and approved through the outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the rear (western) boundary and the planting of street trees along the main spine road. Full details will be required by planning condition.

- 9.18. Boundary treatment information has been submitted and is considered to be satisfactory and includes (inter alia) provision of security fencing to align with the neighbouring units, with the details needing to be secured by condition. Areas for recycling (bin storage) are also shown in the car park layout but details of the appearance of these areas (structures) have not been submitted and will therefore need to be conditioned.

### Heritage and Archaeology

#### *Policy Context*

- 9.19. The application site is not located next to or near any listed buildings or designated heritage assets. The proposal should be considered against Policy ESD15 of the Development Plan which seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset.
- 9.20. The NPPF in that they seek to protect and enhance designated and non-designated heritage assets and guide against development that would cause substantial harm to the significance of any heritage asset. In accordance with the NPPF, great weight must be given to the conservation of designated heritage assets and in accordance with s72 of the Planning (Listed Building and Conservation Areas Act) 1990, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. There is accordingly a strong presumption, imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, against harmful development.

#### *Assessment*

- 9.21. The comments of OCC's Archaeological Advisor are noted in that there is not considered to be any archaeology assets in the vicinity. As such there is no heritage harm arising from the development.
- 9.22. As such the proposals are considered to be acceptable and the proposals would be in accordance with Policy ESD15 and advice in National Planning Policy and legislative requirements.

### Transport and Highways

#### *Policy Context*

- 9.23. Paragraph 111 of the NPPF 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". Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 of the CLP 2015 requires new developments to maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

#### *Assessment*

- 9.24. The Oxford Technology Park is located approximately 9.5km to the north of Oxford City Centre, to the south of Langford Lane, between the A44 and A4260. The A44 provides access to the A34 to the south of the site. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.

- 9.25. The Oxford Technology Park site access junction with Langford Lane has recently been constructed and includes both a footway on one side of the road and a segregated cycleway on the opposite side of what is now known as Technology Drive. As the junction has been designed to accommodate the total quantum of development permitted by the outline consent (14/02067/OUT), and the quantum of this proposed development (as well as that already permitted and built) does not exceed the parameters of the outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development now being proposed. For the purpose of clarity, the total related trip generation is within that which had previously been assessed as acceptable through the outline permission (14/02067/OUT), and the number of trips predicted are considered to be a negligible increase on the local road network.
- 9.26. The comments of the two Parish Councils are noted however this is not the most southerly unit on the site and as such whilst noted the delivery of the southern pedestrian link would need to be secured through future phases.
- 9.27. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters. Visibility from the plot access junction is suitable, given the linear nature of the spine road and OCC Highway have not objected to the access proposals or its parking and turning arrangements. OCC had initially asked for details of the accessible parking sizes. Accordingly, the applicants amended the plans (proposed site plan) to demonstrate that the accessible parking would be policy requirement with regarding to provision of the additional manoeuvring spaces required by the accessible parking spaces, which has been reviewed and found to be acceptable by OCC Highways Officers.
- 9.28. Car parking has been proposed based on the OCC standard for office use (one space per 30m<sup>2</sup>) (86 spaces in all, inclusive of the 6 disabled spaces). OCC highway officers have raised no objections to the quantity or quality of car parking proposed. As noted above, the applicants have amended the designs slightly to demonstrate that the accessible car parking spaces would be adequately sized and meet the design requirements of being 2.9m x 5.5m to be considered a disabled space with space for manoeuvrability.
- 9.29. Mitigation measures including public transport improvements and footway enhancements were previously secured through the outline consent in order to enhance sustainable transport options to the site. These have been implemented in full.
- 9.30. Electric vehicle charging points are proposed to serve this development, providing 22 bays including 2 charging points being provided for disabled parking provision. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned. OCC highways have not raised any concerns with regard to the quantum of provision.
- 9.31. Cycle shelters (for 40 cycles) are shown to the frontage of the proposed buildings. The shelters are double-stacked, semi-covered units, which have been found to be acceptable following review by the County Council highways officers in terms of both the quantum and quality of provision. It is noted that the provision of stacked storage systems is acceptable and in accordance with LTN 1/20 and whilst there is a preference in the updated County Guidance towards Sheffield Stands there is no objection in principle to the use of the systems being used. Further it is noted that stacked systems have been installed and are in use on Building 3.

- 9.32. It is noted that Travel Plan Monitoring contributions were delivered in relation to the whole development under 14/02067/OUT which was secured through implementation of the Reserved Matters to Building 3 which has been approved and built. As such it is not necessary to link or require further s106 Agreements as the s106 Agreement remains tied to the development as part of the Unit 3 permission with a contribution towards the whole development.

#### *Conclusion*

- 9.33. The proposals are considered to be in accordance with policies SLE4 of the CLP 2015 as well as national planning policy set out within the NPPF in this regard.

#### Ecology Impact

##### *Legislative context*

- 9.34. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.

- 9.35. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

- 9.36. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

##### *Policy Context*

- 9.37. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

- 9.38. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.39. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural



environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.40. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.41. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.42. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.43. The site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the western boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.44. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. The Councils Ecologist has reviewed the application and had raised no objections noting as the site remains cleared and has not re-vegetated, a walkover survey will not be required. In addition, the ponds have been recently surveyed for GCN and they are absent therefore they are unlikely to be impacted by the development. Subject to conditions, no objections are therefore raised.

#### *Conclusion*

- 9.45. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2015 and taking into account the comments of Natural England and their associated Standing Advice.

## Flood Risk and Drainage

### Policy Context

- 9.46. Nationally, Paragraph 167 of the NPPF guides that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- i. within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - ii. the development is appropriately flood resistant and resilient;
  - iii. it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - iv. any residual risk can be safely managed; and
  - v. safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 9.47. National Policy also guides that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
  - b) have appropriate proposed minimum operational standards;
  - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
  - d) where possible, provide multifunctional benefits.
- 9.48. Policies ESD6 (Flood Risk Management), ESD7 (Sustainable Drainage Systems) and ESD8 (Water Management) of the Development Plan are also important considerations. The policies are in general compliance with National policy guidance and are therefore considered to be up to date.

### *Assessment*

- 9.49. The comments of Thames Water and the County Council, as Lead Local Flood Authority are noted.
- 9.50. The overall sustainable drainage has been proposed to be in line with the principles of the outline planning permission 14/02067/OUT and the objectives of the drainage statement that the surface water drainage system for Unit 6 has been designed to accommodate the flows generated by a 1 in 100-year event, plus an allowance of 40% for climate change.
- 9.51. Thames Water would advise that with regard to foul water and the sewerage network infrastructure capacity, we would not have any objection to the above planning application.
- 9.52. Thames Water also advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning

application. Thames Water recommends an informative be attached to this planning permission.

- 9.53. Overall, it is considered that the submitted information and plans are sufficient to assess the application and determine that the proposals would be appropriate and would not result in flooding elsewhere. The proposals include appropriate sustainable drainage systems. The proposals are therefore in accordance with Policies ESD6, ESD7 and ESD8 of the Development Plan and the aims and objectives of the National Planning Policy Framework.

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

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has since commenced on the application site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.
- 10.5. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and **conditional approval is recommended.**

## **11. RECOMMENDATION**

### **RECOMMENDATION – GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

#### CONDITIONS

##### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

### **Compliance with Plans**

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

2703-01 Rev PL2 – Building 6 Site Location Plan  
2703-02 Rev PL2 – Building 6 Site Location Plan  
2703-05 Rev PL5 – Building 6 Hard Landscaping Plan  
2703-10 Rev PL1 – Building 6A & 6B Proposed Ground Floor Plan  
2703-11 Rev PL1 – Building 6A & 6B Proposed First Floor Plan  
2703-12 Rev PL3 – Building 6A & 6B Proposed Roof Plan  
2703-14 Rev PL2 – Building 6A & 6B Proposed Elevations 1  
2703-15 Rev PL2 – Building 6A & 6B Proposed Elevations 2 & Section  
2703-16 Rev PL1 – Building 6A & 6B Proposed Sectional Elevations  
2703-100 Rev PL5 – Building 6 – Proposed Cycle Locations  
2703-101 Rev PL4 – Building 6A & 6B – Proposed Bin Recycle Storage  
2703-102 Rev PL3 – Building 6 – Proposed Fencing Detail  
5052-OTP6-ICS-01-XX-DR-C-0400-S2-P01 - Typical Drainage Construction Details  
5052-OTP6-ICS-01-XX-DR-C-0200-S2-P02 – Drainage Design  
5052-OTP6-ICS-01-XX-DR-C-0201-S2-P01 – Drainage Catchment Areas  
5052-OTP6-ICS-XX-RP-C-07.001 – SuDS Maintenance Guide

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

### **Approved Use Class**

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and the building has been designed to meet the employment requirements to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

### **Travel Plan**

4. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

### **EV Charging Points**

5. Prior to first occupation of the building hereby approved all electric vehicle charging points shown on plan 2703-05 Rev PL5 shall be implemented. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

### **Parking areas**

6. The vehicle parking area shown on plans 2703-05 Rev PL5 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring or their purpose.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

### **External Lighting**

7. Other than lighting shown on the approved plans, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

### **BREEAM Sustainability Standard**

8. The development hereby permitted shall be constructed to meet at least BREEAM 'Excellent' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

### **No outdoor storage**

9. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

### **Noise Emissions**

10. The cumulative plant noise emissions from fixed plant and equipment on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT. These being measured at 1m from a residential window shall not exceed:

45dBA (between 07:00 and 23:00 hours)

35dBA (between 23:00 and 07:00hours)  
35dBA (for equipment operating over a 24hr period)

Reason: To ensure a satisfactory noise environment to comply with Policy ENV1 of the Cherwell Local Plan 1996

**Construction Environmental Management Plan**

11. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process.

**Bin and Cycle Storage**

12. Prior to the first occupation all cycle and refuse stores 2703-05 Rev PL5, 2703-100 Rev PL5 and 2703-101 Rev PL4 shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory

**Total Floorspace**

13. The total floorspace of the approved development shall be 4,396sqm, which including 2,804 sq. m at ground floor and 1,592 sq. m at mezzanine floor.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development to cater for a maximum of total floorspace as part of the previous outline permission.

**SuDS Implementation**

14. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (a) As built plans in both .pdf and .shp file format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

Reason: In the interests of satisfactory drainage and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented

Informative

1. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development

**22/01683/F**

Agenda Item 10

**Unit 7  
Oxford Technology Park  
Technology Drive  
Kidlington  
OX5 1GN**



**1:1,000**

**22/01683/F**

**Unit 7**

**Oxford Technology Park**

**Technology Drive**

**Kidlington**

**OX5 1GN**

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Oxford Technology Park



**1:600**

**Page 144**

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**Cherwell**

DISTRICT COUNCIL  
NORTH OXFORDSHIRE



**22/01683/F**

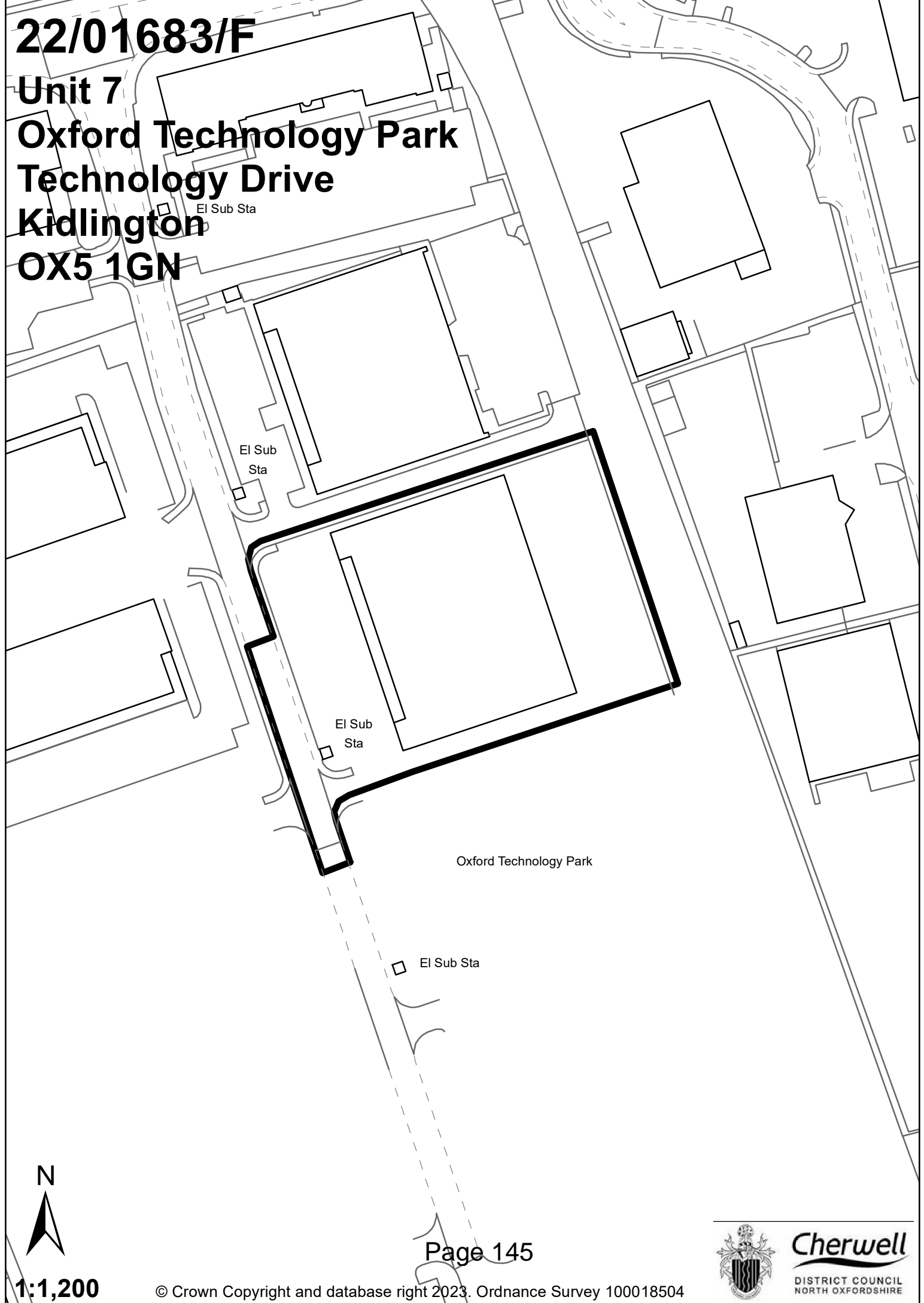
**Unit 7**

**Oxford Technology Park**

**Technology Drive**

**Kidlington**

**OX5 1GN**



Oxford Technology Park

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**1:1,200**



**Case Officer:** Andrew Thompson

**Applicant:** Oxtec Developments Limited

**Proposal:** Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective)

**Ward:** Kidlington West

**Councillors:** Cllr Conway, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major development

**Expiry Date:** 31 January 2023

**Committee Date:** 12 January 2023

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. REASON FOR REVERSION TO PLANNING COMMITTEE**

1.1 Members may recall that a resolution was agreed by Planning Committee on 6 October 2022 that Authority be delegated to the Assistant Director of Planning and Development to grant permission for application 22/01683/F subject to:

- i. The Conditions set out conditions as set out in the agreed minutes; and
- ii. Suitable provisions to secure a travel plan monitoring fee.

1.2 The planning permission has not been issued and the application remains 'live' as the s106 has not been completed whilst the applicant sought clarity on the need for the linking agreement considering the implementation of the scheme.

1.3 The application is being reported back to Committee due to alterations to the resolution of the planning committee. Further the development has commenced work on site (in advance of the permission being in place) and further information has been submitted to address previously proposed conditions.

**2. APPRAISAL**

Scope of this report

2.1 The Planning Committee report presented on the 6 October 2022 has been included as Appendix 1 below and an extract of the relevant previous Written Update report as Appendix 2. This previous report sets out the site description, proposed development, consultation responses and it contains the full assessment of the proposal against the relevant Development Plan policies. The purpose of this update report to set out all changes to the application since the previous resolution was granted. Aspects of the assessment of the application which remain unchanged and do not materially impact upon the planning assessment of the scheme are not included within this update report.

### Scope of the Application

- 2.2 Since resolution on 6 October 2022 the applicant has submitted a Drainage Statement and plans of the details and a Sustainability and Energy Statement
- 2.3 The applicant submits that the following conditions of the resolution require review due to the further information now submitted and the status of the development:
- Condition 5 – The development is essentially complete and they request that there is no ongoing need for a Construction Traffic Management Plan.
- Condition 7 and 16 – A surface water drainage scheme is submitted.
- Condition 10 – The landscaping has been implemented which accords with the principles of the landscaping scheme approved under the original outline permission for the site.
- Condition 11 – A Sustainability and Energy Statement has been submitted.
- Condition 15 – The development is essentially complete and it had already been agreed that there were no biodiversity features on site. There is no requirement for the CEMP: Biodiversity and Applicant requests that there is no requirement for this condition.

### Planning History Update

- 2.4 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.5 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.6 Development on Plot 4 (units 4a and 4b) under reference 21/02148/F is also on this agenda.
- 2.7 Under Planning Application Reference 22/02647/F an application for Unit 6 is also under consideration and on this agenda.

### Publicity

- 2.8 No further public consultation has been undertaken. This was on not considered necessary due to the further information being submitted not altering the built form and their being no responses to the original consultation.

### Consultation

- 2.9 There have been no further consultation responses since the original planning application

### Principle of Development

- 2.10 There have been no material changes to the Development Plan or National Planning Policy since the resolution of the planning committee.
- 2.11 Whilst the development has commenced, this has been carried in accordance with the agreed details with Construction Management in place (e.g. a guardsman at the site entrance, PPE safety measures and appropriate construction management through a site office). As such there have been no changes in circumstances which would alter the original consideration of the report.
- 2.12 The application is now part retrospective. However, the actions of the Developer to implement the scheme proposed prior to receiving planning permission does not have an impact on the planning merits of the proposal and the application must continue to be considered in the normal way.

### Travel Plan Monitoring Fee

- 2.13 Since the resolution of the original planning permission, Officers have had the opportunity to review the Travel Plan Monitoring fee and the original s106 Agreement to the development under 14/02067/OUT for 40,362sqm of office, research and development, laboratory, storage and ancillary space and the implementation of development under the approved Reserved Matters to the Outline Planning Permission (in particular Unit 3 which is now occupied).
- 2.14 The s106 Agreement to the Original Planning Permission required a contribution of £9,040 towards Travel Plan Monitoring across the whole site alongside the implementation of a number of highway and cycling enhancements which have been implemented. As the Development has been implemented, the s106 is enforceable across the whole development and therefore further linking agreements are unnecessary.
- 2.15 It is noted that Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 2.16 In responding to this application, the original report noted on 6 October 2022 that OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented.
- 2.17 As such in reviewing the s106 and the terms of the original planning permission the resolution to require a s106 Agreement to link the Travel Plan payments is not considered necessary to make the development acceptable and as such is no longer sought.

### Drainage Strategy

- 2.18 The applicant has submitted a Drainage Strategy and associated plans on 25 November 2022 which shows the wider implementation of Sustainable Drainage Systems which meet the 1 in 100 year event and a 40% buffer for Climate Change (or the equivalent of greenfield run off rates).
- 2.19 It is noted that as part of the Discharge of Conditions to the original outline permission, under reference 16/00533/DISC Conditions 10 (surface water drainage

scheme) and 11 (drainage strategy) were discharged on the basis of similar schemes and the same details to Unit 6 have been considered to be acceptable by the LLFA in particular.

- 2.20 As such the submission of the Drainage Strategy and associated plans are considered acceptable and the conditions require updating.

### Sustainability and Energy Strategy

- 2.21 The applicant has submitted a Sustainability and Energy Strategy on 18 December 2022. The submitted strategy highlights that the only renewable energy generation technology that is practical and feasible to operate on this park is solar PV electricity generation. Due to the design of the hybrid units, these panel can be accommodated on the roofs with no impact on visual impact, air quality or increase to traffic generation. In addition, there would be no further planning issue in doing so.

- 2.22 Detailed analysis of potential renewable energy technology and provision has been conducted through-out the BREEAM process thus far, as we have moved forward from the pre-assessment previously submitted, and conducted SBEM analyses, designs and strategies.

- 2.23 A scoping exercise is currently on-going with the electricity distribution network with regard the capacity that can be accepted by the grid

- 2.24 Overall the park has been designed in order to strive for sustainable development in all areas.

- The drainage strategy is fully SUDS compliant, in order that the surface (storm) water drainage is equivalent to green field run-off rates.
- The materials used in the construction of the buildings will be recycled and recyclable where possible.
- The travel plan formed in accordance with the county highways strategy encourages the use of public transport through the bus that links to the park & ride, and parkway train station. This bus will be supported by the park through S106 contributions for the first five years of occupation as a 'pump priming' exercise.
- The travel plan also encourages cycling to the park through suggesting practical routes, and providing plenty of covered cycle parking racks. The park will also provide a cycle path link from the main access road to the A44 and the international cycle route which runs along the A44, as per the county highways S106 requirement.
- Further to the cycle link we will be providing above the park aims to encourage cycling through researching and assisting with the implementation of further cycle routes around the local area.
- During the occupation of the park, recycling will be facilitated on a site wide basis
- Onsite provision of food and drink with an informal meeting space through the provision of an onsite coffee shop, restaurant and bar (part of the current hotel in building 2) will encourage people to meet, eat and socialise onsite during the working day and reduce travel in order to procure food and drinks. As well as a Park Hub space in Building 4B, the 'Innovation Quarter' to create a community within the Park.

- 2.25 It is anticipated that the development will achieve BREEAM 'Excellent' status which is above the level expected by Policy and the condition agreed on 6 October 2022.
- 2.26 Overall the Sustainability and Energy Strategy is considered to be acceptable and Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework and would meet the requirements of the previous condition. As such the condition would need to be amended to reflect the submission.

#### Update to Planning Conditions

- 2.27 As the development has commenced it is no longer necessary to add a commencement or time limit requirement to the development. The plans and other conditions are updated to reflect the updated plans and information submitted since the resolution of the Committee on 6 October 2022 and the further submissions by the applicant.
- 2.29 The following conditions were pre-commencement conditions as part of the previous resolution in October 2022:
- Condition 5 required the submission of a Construction Transport Management Plan (CTMP)
- Condition 7 required the submission of a surface water drainage scheme
- Condition 10 required the submission of landscaping details
- Condition 11 required the submission of a Sustainability and Energy Statement
- Condition 15 required the submission of a Construction Environmental Management Plan (CEMP: Biodiversity)
- Condition 16 also required the submission of a surface water drainage scheme (duplicating condition 7)
- 2.30 The submission of further amended plans and information and progression of other units on the site have allowed for updated conditions to be proposed and have satisfied several conditions originally proposed.
- 2.31 It is noted that in the Original Report (appended at Appendix 1) that at paragraph 9.42 it was stated that the site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the eastern boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.

### **3. PLANNING BALANCE AND CONCLUSION**

- 3.1 Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 3.2 The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 3.3 It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has since commenced on the application

site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.

- 3.4 It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.
- 3.5 It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and conditional approval is recommended.

#### **4. RECOMMENDATION**

##### **RECOMMENDATION –GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW**

###### CONDITIONS

1. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents:
  - 2732-01-PL3 – Location Plan Proposed
  - 2732-02-PL2 – Location Plan
  - 2732-03-PL5 – Proposed Site Plan
  - 2732-10-PL4 – Ground Floor Plan
  - 2732-11-PL5 – First Floor Plan
  - 2732-12-PL1 – Roof Plan
  - 2732-14-PL4 – West & South Elevations
  - 2732-15-PL4 – North & East Elevations
  - 2732-100-PL2 – Cycle Locations
  - 2732-101-PL2 – Bin Storage & Recycling
  - 2732-102-PL3 – Fence Plan
  - 2732-05-PL4 – Proposed Hard Landscaping Plan
  - 4929-OPT7-ICS-01-XX-DR-C-0400-S2-P02 – Typical Construction Details
  - 4929-OTP7 – Front Car Park - 100yr event plus 40% CC.
  - 4929-OTP7 – Rear Car Park – 100yr event plus 40% CC.
  - 4929-OPT7-ICS-01-XX-DR-C-0200-S2-P06 – Drainage Design
  - 4929-OPT7-ICS-01-XX-DR-C-0201-S2-P01 – Catchment Areas

Planning & Economic Statement by Savills, received by the Local Planning Authority in May 2022

Design & Access Statement by Savills, received by the Local Planning Authority in May 2022

Transport Statement, by Vectos, dated May 2022

Sustainability and Energy Strategy, received by the Local Planning Authority on 18 December 2022

Drainage Strategy, REF: 4929-OTP7-ICS-CO-C-03.003, by Infrastruct CS Ltd, received by the Local Planning Authority on 25 November 2022

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

2. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

4. The vehicle parking layout shown on plans 2732-03 PL5 and 2732-05 PL4 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring.

Reason: In the interests of highway safety.

5. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

6. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.



7. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

8. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

9. Prior to first occupation a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Travel Plan thereafter.

Reason: To encourage the use of sustainable modes of transport.

# Appendix 1

Unit 7 Oxford Technology Park Technology Drive  
Kidlington OX5 1GN

22/01683/F

**Case Officer:** Dale Jones

**Applicant:** Oxtec Developments Limited

**Proposal:** Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking

**Ward:** Kidlington West

**Councillors:** Cllr Conway, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major development

**Expiry Date:** 6 September 2022

**Committee Date:** 6 October 2022

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## **SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT AND SUITABLE PROVISIONS TO SECURE A TRAVEL PLAN MONITORING FEE**

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

- 1.1. The application site is located to the south of Langford Lane and east of Technology Drive, towards the north-western edge of the built-up area of Kidlington. It comprises Plot 7 on the 8.3ha Oxford Technology Park, which lies south of London Oxford Airport and west of the Motor Park.
- 1.2. The application site is part of a wider area that was identified as an area for a small scale review of the Green Belt to accommodate identified High Value Employment Needs by Policy Kidlington 1 of the adopted Cherwell Local Plan 2011-2031 Part 1. Planning permission was granted across the Oxford Technology Park site (Ref: 14/02067/OUT) for 40,362m<sup>2</sup> flexible, hi-technology units suitable for office, research and development, laboratory, storage, and ancillary purposes. This outline permission included a condition requiring the submission of reserved matters within 3 years from the date of outline permission being granted (10/10/2016). No further reserved matter applications can therefore be made. Delivery of approved development on Plots 1, 3, and 5 of the Oxford Technology Park development are currently under construction and a hotel on Plot 2 (now known as Premier Inn Oxford Kidlington Airport) is open and trading. Development on Plot 4 (units 4a and 4b) is awaiting the completion of a S106 agreement) following being resolved to be approved at Planning Committee. These have been submitted as both reserved matter submissions and full applications.
- 1.3. The application site (Plot 7) comprises a 0.74ha rectangular area of flat serviced land on the east side of Technology Drive, which lies just south of the Plots 3 and Plot 5 developments on the Langford Lane frontage on the eastern side of the access road into the Technology Park with Campsfield House IRC just beyond (to the west).

- 1.4. To the north, on the opposite side of Langford Lane, are buildings/hangers serving London Oxford Airport and to the east is the Oxford Motor Park where a number of car dealerships are located. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 1.5. The nearest existing bus stop is located 250m north east of the site on The Boulevard and currently serves Oxford Spire Business Park and London Oxford Airport. There are further bus stops located along Langford Lane and along the A44 Woodstock Road all of which are within a reasonable walking distance from the site.

## **2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt, the London Oxford Airport Height Safeguarding Zone (development over 45m), within 330m of the Rushy Meadows SSSI and is identified as a minor groundwater Aquifer.
- 2.2. Previously before site allocation and remediation works, it had comprised Category 2 best and most versatile agricultural land and had also been identified as potentially contaminated, but those are no longer constraints to development.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The proposals seek planning permission for the construction of a commercial unit within use classes E (g) (i) – (iii), B2 and B8 (Unit 7) in a new single building with an area of 3,445m<sup>2</sup>, including 2,314.2 sq. m at ground floor and 1,140.4 sq. m at mezzanine floor.
- 3.2. The unit will be accompanied by a parking area alongside for 75 cars (including 10 with EV charging points and 6 disabled) and 40 cycle parking spaces. The proposed building will be 10m tall over two storeys, with a very shallow pitched roof surrounded by a 1.4m parapet, giving the impression of a flat-roofed structure. It will measure 51.8m x 48.1m.
- 3.3. The building is described in the application Planning Support and Design & Access Statements as an industrial unit for uses within Use Classes E (g) (i)-(iii), B2 and B8 (consistent with the Local Plan allocation and outline planning consent). The building would be clad in Equitone Rainscreen Cladding Panels in three-tone grey (light, mid and dark) similar to that previously constructed on Plots 3 and neighbouring Plot 5. Glazing would extend along the facades of all four elevations, with windows positioned at both ground and first floor levels.
- 3.4. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters.

## **4. RELEVANT PLANNING HISTORY**

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

14/02067/OUT

Outline planning permission granted for the construction of 40,362m<sup>2</sup> of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 Permitted.

16/00533/DISC

Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT

Permitted.

17/00559/F

The above outline permission (14/02067/OUT) was subsequently varied (Conditions 1, 2, 3, 5, 7, 9 & 21) by this full planning permission

Permitted.

17/01542/REM

Reserved Matters approval granted for Units 1 and 3 (opposite and alongside)

Permitted.

17/02233/F

Planning permission granted for a new 3,981m<sup>2</sup> hotel at Unit 2, which is now built and occupied as a Premier Inn

Permitted.

21/00690/REM

Slight design amendments were subsequently approved to Unit 3 last year and the development is now virtually complete

Permitted.

21/03913/F

Planning Application for Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and associated works including access and parking.

Permitted. (Unit 5B).

- 4.2. It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5.

## **5. PRE-APPLICATION DISCUSSIONS**

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

## **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, and by advertisement in the local newspaper. The final date for comments was 2 September 2022.

- 6.2. One comment has been raised by a third party and is summarised as follows:

- Object to the proposals. No work has yet started on the wider Oxford Technology Park obligation to provide active travel connections to offsite locations especially a link southward along the eastern perimeter of the site to Begbroke Lane to provide a green corridor route to Kidlington centre.

(CDC Officer note: This green corridor route is not an obligation requirement of the 2014 Outline consent, and OCC Highways have not required it for this application).

- Additionally, Transport Statement V3 (15/06/2022) contains the following inaccuracies:

- paragraph 3.1 claims transport mitigation measures have been installed
- but very little has been carried out to fulfil active travel obligations;
- paragraph 3.8 claims there is a footway along the southern side of Langford lane approx. 1.8m wide; however for most of its length the footway is less than 1.8m wide and only just wide enough for 2 people to pass each other;
- paragraph 3.10 is incorrect in saying that work is currently underway on the 2.5m wide shared-use path at the western end of Langford Lane; some siding-out of the existing path took place in June 2022 but no construction work has yet started;
- paragraph 3.11 is incorrect when it says there is an approx. 3.0m wide path on the east side of the A4260 from the junction with Langford Lane.

(Officer note: The minor inaccuracies are noted. However, they do not change the fundamental highways assessment which has been carried out by Officers and OCC as noted in the Transport and Highways section of the report below).

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

## 7. RESPONSE TO CONSULTATION

7.1. 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

7.2. **KIDLINGTON PARISH COUNCIL:** No comments received.

### CONSULTEES

7.3. **OCC HIGHWAYS: No objection.** OCC had initially raised some concerns regarding the quantum of electric vehicle charging points, cycle parking accessibility and with regard to the design of the accessible car parking spaces.

(CDC Officer Comment: The plans were revised and expanded the number of EV charging bays to 20 bays, which is in excess of the 19 bays required. The applicants have also clarified that 20 cycle spaces are proposed directly at ground level and the purpose of the racking mechanism is that it is an easy-to-use system. In addition, the accessible car parking spaces have also been updated to accord with the required specification requirements being 2.9m x 5.5m for access purposes. The above details including a revised site plan has been reviewed by OCC Highways Officers, who raise no objections to the revised submission, noting that this proposal is unlikely to have any significant impact on the highway in terms of safety or convenience. OCC Single Response Team have advised that should a Travel Plan be required, that a Travel Plan monitoring fee will be required. The applicants have confirmed in writing that the applicant will pay upfront (the TP monitoring fee) the day after the committee, should the Committee resolve to grant permission subject to conditions and this agreement.)

7.4. **OCC LEAD LOCAL FLOOD AUTHORITY:** Raised an objection due to drainage concerns. However, this can be addressed through the use of a pre-commencement condition, which has since been agreed by the (OCC) LLFA and the applicants and added to this report.

- 7.5. **CDC BUILDING CONTROL: No objection.** Comment – Means of escape to be in accordance with Approved document B volume 2.
- 7.6. **CDC ECOLOGY: No objections** subject to conditions.
- 7.7. **CDC ENVIRONMENTAL HEALTH: No objections.**
- 7.8. **NATURAL ENGLAND: No objections.**

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

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

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

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment Development
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – SuDS
- ESD8 – Water Resources
- ESD10 – Biodiversity and the natural environment
- ESD14 – Oxford Green Belt
- ESD15 – The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Kidlington 1 – Accommodating High Value Employment Needs
- INF1 – Infrastructure Provision

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development
- C32 – Provision of facilities for disabled people
- ENV1 – Development likely to cause detrimental levels of pollution

- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF) (2021)

- Planning Practice Guidance (PPG)
- National Design Guidance 2019
- CDC Planning Obligations SPD 2018

## 9. APPRAISAL

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

- Principle of development
- Transport & Highway Impact
- Design Principles and Layout
- Drainage
- Ecology & Biodiversity
- Energy Efficiency & Sustainability
- Planning Obligations/other matters

### Principle of Employment Development

#### *Assessment*

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2015. Policy ESD14 confirms that proposals within the Green Belt will be assessed in accordance with the NPPF.

9.3. Notwithstanding this, the CLP 2015 does set out a need for small scale review of the Green Belt and refers to the Oxford Technology Park site within policy Kidlington 1 as one of the locations where small-scale review could accommodate high value employment development subject to site specific design and place shaping principles. The intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2015.

9.4. The application site forms part of a larger allocated site in the adopted CLP 2015 under Policy Kidlington 1. This policy brings forward high-value employment needs development on land to the northwest of Kidlington and adjacent London Oxford Airport as a strategic allocation for hi-tech employment development and associated infrastructure. The whole site was granted outline planning permission for the construction of 40,362m<sup>2</sup> of office, research and development, laboratory, and storage business space within Use Classes E (g) (i)-(iii), B2 and B8 in 2016 (Ref: 14/02067/OUT) with the consent subsequently varied with a modified full permission in 2017 (Ref: 17/00559/F). Furthermore, approximately two-thirds of the allocated site has already been developed in a similar manner to that now proposed on this plot. Units 5A & 5B, Oxford Technology Park, being those units most recent approved for similar uses under application (Ref. 21/03913/F), which were considered at committee in May 2022 and subsequently approved, subject to a travel plan monitoring fee and conditions.

#### *Conclusion*

9.5. The proposed development is for a further phase of development of the supported Oxford Technology Park (OTP) that has already significantly commenced. This in itself is also a very special circumstances' justification for supporting further development at the already established OTP that itself remains on Green Belt land.

- 9.6. Having regard to the above rationale, the proposed development will accord entirely with the Local Plan employment site allocation and given the history of the site (inclusive of recent permission, including Unit 5 most recently) and the clear intention of the Council to review the Green Belt at this location, the proposal in this case will not cause significant or demonstrable harm with respect to other Plan policies and is therefore in principle considered acceptable. The proposal therefore accords with the requirements of the NPPF, Policies ESD14 and Kidlington 1 of the Local Plan Part 1.

### Transport and Highways

#### *Policy Context*

- 9.7. Paragraph 111 of the NPPF 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*”. Policy ESD15 of the CLP 2015 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. Policy SLE4 of the CLP 2015 requires new developments to maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.

#### *Assessment*

- 9.8. The Oxford Technology Park is located approximately 9.5km to the north of Oxford City Centre, to the south of Langford Lane, between the A44 and A4260. The A44 provides access to the A34 to the south of the site. National Cycle Network Route 55 runs adjacent to the A44 Woodstock Road providing a direct connection from its junction with Langford Lane through to Oxford City Centre to the south.
- 9.9. The Oxford Technology Park site access junction with Langford Lane has recently been constructed and includes both a footway on one side of the road and a segregated cycleway on the opposite side of what is now known as Technology Drive. As the junction has been designed to accommodate the total quantum of development permitted by the outline consent (14/02067/OUT), and the quantum of this proposed development (as well as that already permitted and built) does not exceed the parameters of the outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development now being proposed. For the purpose of clarity, the total related trip generation is within that which had previously been assessed as acceptable through the outline permission (14/02067/OUT), and the number of trips predicted are considered to be a negligible increase on the local road network.
- 9.10. Vehicular and service access to the site will be taken place from the main access into the site from Langford Lane that has already been constructed and was authorised as part of the approved reserved matters. Visibility from the plot access junction is suitable, given the linear nature of the spine road and OCC Highway have not objected to the access proposals or its parking and turning arrangements. OCC had initially asked for details of the accessible parking sizes. Accordingly, the applicants amended the plans (proposed site plan) to demonstrate that the accessible parking would be policy requirement with regarding to provision of the additional manoeuvring spaces required by the accessible parking spaces, which has been reviewed and found to be acceptable by OCC Highways Officers.
- 9.11. Car parking has been proposed based on the OCC standard for office use (one space per 30m<sup>2</sup>) (75 spaces in all, inclusive of the 6 disabled spaces). OCC highway officers have raised no objections to the quantity or quality of car parking



proposed. As noted above, the applicants have amended the designs slightly to demonstrate that the accessible car parking spaces would be adequately sized and meet the design requirements of being 2.9m x 5.5m to be considered a disabled space with space for manoeuvrability.

- 9.12. Mitigation measures including public transport improvements and footway enhancements were previously secured through the outline consent in order to enhance sustainable transport options to the site. These have been implemented in full.
- 9.13. Electric vehicle charging points are proposed to serve this development, providing 20 bays. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned. OCC highways have not raised any concerns with regard to the quantum of provision.
- 9.14. A cycle shelter (for 40 cycles) is shown to the frontage of the proposed building. The shelter is a double-stacked, semi-covered unit. OCC have not confirmed their acceptance of the proposed shelter, they state that it is not ideal and that 'Sheffield' type stands are the most accessible for all. However, it is noted that the shelter proposed mirrors the shelters that have been approved elsewhere with the Technology Park.

#### *Conclusion*

- 9.15. The proposals are considered to be in accordance with policies SLE4 of the CLP 2015 as well as national planning policy set out within the NPPF in this regard.

#### Design Principles and Layout

##### *Legislative and policy context*

- 9.16. The National Planning Policy Framework 2021 confirms that the Government attaches great importance to the design of the built environment, and notes that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.17. Paragraph 134 of the NPPF states that development that is not well designed should be refused, especially, where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes. Weight should be given to development which reflects local design policies and guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area so long as they fit in with the overall form and layout of their surroundings.
- 9.18. At the local level Policy ESD15 of the CLP 2015, states that new development proposals should: be designed to improve the quality and appearance of an area and the way it functions...contribute positively to an area's character and identity by creating or reinforcing local distinctiveness...(and) respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale, and massing of buildings. Saved Policies C28 and C30 of the CLP 1996 reinforce this.
- 9.19. Policy Kidlington 1 is relevant and advises (inter alia) that key site specific design requirements will include (but are not limited to: Design for buildings that create a gateway with a strong sense of arrival including when arriving from the airport, a well designed approach to the urban edge, which achieves a successful transition

between town and country environments, development that respects the landscape setting of the site and a comprehensive landscaping scheme to enhance the setting of buildings onsite and to limit visual intrusion into the wider landscape.

#### *Assessment*

- 9.20. With regard to the existing context, the application site is flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the new hotel and neighbouring commercial development also to the north and the car showrooms to the east of the site, which are all similar to the current development proposals.
- 9.21. The proposed development comprises a single rectangular building sited perpendicular to the main spine road through the technology park site. The design of the building is consistent with the appearance of the buildings recently constructed on Plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades (similar to the approved neighbouring Unit 5). The building has been designed to be constructed with a shallow pitched roof behind a low parapet giving the impression of a flat roof, which is again consistent with the adopted design approach within the Technology Park.
- 9.22. In terms of scale, the building would be two-storey in height, consistent with the other commercial buildings on Plots 1 and 3 and the hotel on Plot 2 (also similar with the design and scale approved at Unit 5). This creates a uniformity of scale, design, and material finish within the Oxford Technology Park site. The layout, scale and appearance of the proposed building is therefore considered acceptable in the context and would be consistent with the design principles established on the Technology Park.
- 9.23. The landscape scheme for the site is also consistent with the principles agreed and approved through the outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the eastern boundary and the planting of street trees along the main spine road. Full details will be required by planning condition.
- 9.24. Boundary treatment information has been submitted and is considered to be satisfactory and includes (inter alia) provision of security fencing to align with the neighbouring units, with the details needing to be secured by condition. Areas for recycling (bin storage) are also shown in the car park layout but details of the appearance of these areas (structures) have not been submitted and will therefore need to be conditioned.

#### *Conclusion*

- 9.25. Given the above, it is considered that proposal is in accordance with Policies ESD15 and Kidlington 1 of the Cherwell Local Plan Part 1, saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the NPPF.

#### Flood Risk and Drainage

##### *Legislative context*

- 9.26. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 167 of which states that when determining any planning applications, local planning authorities should ensure that

flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

- 9.27. Policies ESD 6 and ESD 7 of the CLP 2015 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding. Policy Kidlington 1 identifies the need for the provision of sustainable drainage including SUDs.

#### *Assessment*

- 9.28. Flood risk and drainage on this site have been considered and addressed under the original outline consent 14/02067/OUT, which agreed the drainage strategy and principles for the Technology Park site as a whole. The application site lies within Flood Zone 1. As such, technical matters regarding Sustainable Urban Drainage (SuDS) have been addressed and conditions discharged under separate consents. Nevertheless, conditions are recommended to ensure that the development is carried out satisfactorily.
- 9.29. A Flood Risk Assessment & Drainage Strategy for the whole Oxford Technology Park site was submitted and approved as part of the original outline planning permission (Ref: 14/02067/OUT) with the Environment Agency confirming on 1st May 2015 their satisfaction with the proposals detailed in the Baynham Meikle Partnership Ltd report subject to condition discharges (Conditions 10 and 11). Condition 10 (surface water drainage scheme) and condition 11 (drainage strategy) were subsequently discharged on 12th April 2017, with confirmation given that the Flood Risk Assessment & Drainage Strategy (Ref: NSB/12076, dated February 2015), the Engineering Appraisal (Ref: 159/017, dated November 2013) and the SuDS Maintenance Plan (Ref: GL/12076, dated February 2017) were all acceptable. The LLFA have raised some concern regarding drainage, however, as a solution, the LLFA and the applicants have since agreed to the imposition of a planning condition to secure detailed of a surface water drainage scheme.

#### *Conclusion*

- 9.30. In light of the agreement to the pre-commencement drainage condition, the proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2015.

#### Ecology & Biodiversity

##### *Legislative context*

- 9.31. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.32. Under the Regulations, competent authorities i.e., any Minister, Government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.33. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown

through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

- 9.34. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - 2) That there is no satisfactory alternative.
  - 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

#### Policy Context

- 9.35. Paragraph 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.36. Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.37. Paragraph 185 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.38. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

### *Assessment*

9.39. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

9.40. It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

9.41. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original outline consent including the submission of further information by condition.

9.42. The site has now been cleared and prepared for development and consists of a 'clean' site. The existing mature hedgerow to the eastern boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.

9.43. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. The Councils Ecologist has reviewed the application and had raised no objections noting as the site remains cleared and has not re-vegetated, a walkover survey will not be required. In addition, the ponds have been recently surveyed for GCN and they are absent therefore they are unlikely to be impacted by the development. Subject to conditions, no objections are therefore raised.

9.44. Conditions will be imposed to ensure compliance with details already approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

### *Conclusion*

9.45. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2015 and taking into account Natural England Standing Advice.

### Energy Efficiency and Sustainability

#### *Policy Context*

9.46. The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and policies relevant to sustainability are set out throughout the NPPF.

9.47. Policy ESD 5 of the CLP 2015 requires new commercial development of over 1,000m<sup>2</sup> floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the

CLP 2015 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated. Policy ESD 3 of the CLP 2015 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard. Kidlington Village 1 requires a demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of Policies ESD1-5.

#### *Assessment*

- 9.48. The application does not include an Energy or Sustainability Statement to address how the development would seek to comply with Building Regulations and policies ESD1-5 of the CLP 2015 and the achievement of BREEAM 'Very Good' standard.
- 9.49. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps. As such, it is recommended that planning conditions be added to ensure that a Sustainability and Energy Statement is provided, outlining how sustainability will be built into the approved development including the provision of significant on-site renewable energy provision and that the proposed development is constructed to meet at least BREEAM 'Very Good' standard.
- 9.50. The applicants have also advised that the following energy efficiency and sustainable building design measures will be incorporated:
- All lighting specified is high efficiency LED
  - Heating and comfort cooling provision to the office spaces is provided by a refrigerant based, variable refrigerant flow with heat recovery offering COPs (coefficients of performance in excess of 4)
  - Ventilation to office spaces incorporates a heat recovery system capable of achieving 80% heat recovery coupled with low SFPs
  - To assist in the recovery of heat from ventilation systems all ductwork is specified to be insulated with high performance insulation Green Guide A+ rated.
  - Building envelope leakage rates specified are in excess of the Building Regulation requirements with a target of  $4.0\text{m}^3 / \text{m}^2 @ 50\text{Pa}$
  - Building U values target values equal or better than minimum standards required by Part L 2013 of the Building Regulations
  - All of the above elements have resulted in the building achieving a BER of  $12.3\text{kgCO}_2 / \text{m}^2 / \text{annum}$  against a target of  $16.7 \text{kgCO}_2 / \text{m}^2 / \text{annum}$  (i.e. the building performance in terms of the CO<sub>2</sub> emissions is almost 30% more efficient than the relevant target)
  - The energy performance of the fixed Mechanical and electrical services meets the mandatory credit requirements for ENE-01, "BREEAM Excellent"
  - Electrical installations are configured to allow for the future installation and connection of a PV array
  - Energy monitoring systems are specified to comply with BREEAM requirements.

#### *Conclusion*

- 9.51. Subject to the imposition of suitable conditions, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2015 and adhere with the provisions of the NPPF.

#### Planning Obligations

- 9.52. Policy INF1 of the CLP 2015 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.53. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.54. Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 9.55. In responding to this application, OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented. Nevertheless, a Travel Plan Monitoring Fee is required to ensure that the proposed development adheres with the principles of sustainable development. The applicants have agreed to pay this up-front before the decision is issued (post committee).

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

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of outline planning consent. Development has since commenced on the application site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. It is considered that the proposals assessed within this application would constitute an acceptable form of development. Subject to appropriate conditions it is considered that the proposals would cause no significant harm to highway safety, residential amenity or visual amenity, sustaining the character of the site and its setting whilst providing new commercial floorspace in keeping with that approved for the wider Technology Park.

- 10.5. It is considered that the proposals are broadly consistent with the provisions and aims of the above-mentioned Development Plan policies. The proposals are therefore considered to be acceptable in all other regards and **conditional approval is recommended.**

## 11. RECOMMENDATION

**RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND SUITABLE PROVISIONS BEING IN PLACE TO SECURE THE TRAVEL PLAN MONITORING FEE**

### **CONDITIONS**

#### **Time Limit**

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004. Compliance with Plans.

#### **Compliance with Plans**

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

2732-01-PL3 – Location Plan Proposed

2732-02-PL2 – Location Plan

2732-03-PL5 – Proposed Site Plan

2732-10-PL4 – Ground Floor Plan

2732-11-PL5 – First Floor Plan

2732-12-PL1 – Roof Plan

2732-14-PL4 – West & South Elevations

2732-15-PL4 – North & East Elevations

2732-100-PL3 – Cycle Locations

2732-101-PL2 – Bin Storage & Recycling

2732-102-PL3 – Fence Plan

2732-05-PL4 – Proposed Hard Landscaping Plan

Planning & Economic Statement by Savills, received by the Local Planning Authority in May 2022

Design & Access Statement by Savills, received by the Local Planning Authority in May 2022

Transport Statement, by Vectos, dated May 2022

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

3. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.



4. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. The CTMP should follow Oxfordshire County Council's template, if possible. This should identify:

- a) The routing of construction vehicles and management of their movement into and out of the site by a qualified and certified banksman;
- b) Access arrangements and times of movement of construction vehicles (to minimise the impact on the surrounding highway network);
- c) Details of wheel cleaning/wash facilities to prevent mud, etc., from migrating on to the adjacent highway;
- d) Contact details for the Site Supervisor responsible for on-site works;
- e) Travel initiatives for site related worker vehicles;
- f) Parking provision for site related worker vehicles;
- g) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours; and
- h) Engagement with local residents.

Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding network, road infrastructure and local residents, particularly at peak traffic time, and to comply with Policies SLE4 and ESD15 of the Cherwell Local Plan 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. The vehicle parking layout shown on plans 2732-03 PL5 and 2732-05 PL4 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring.

Reason: In the interests of highway safety.

7. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development including appropriate infiltration testing in accordance with BRE 365, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The drainage strategy should demonstrate:

- Surface water run-off generated up to and including 1 in 100 year (including a 30% allowance for climate change) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event;
- Surface water runoff will be managed so that it does not contaminate controlled waters.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding, both on and off site.

8. Prior to the first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2015 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

10. Notwithstanding the hard landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for soft landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include:
- 1) details of 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.
  - 2) details of the hard landscaping including hard surface areas, pavements, pedestrian areas, and any steps etc.

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 adopted Cherwell Local Plan 2015 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

11. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for significant renewable energy provision and to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

12. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

13. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

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

Reason: To encourage the use of sustainable modes of transport.

15. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- Risk assessment of potentially damaging construction activities;
- Identification of 'Biodiversity Protection Zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction including the control of dust (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

16. No development shall commence unless and until a detailed scheme for the surface water drainage serving the development, including details of the timing of implementation, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved surface water drainage scheme shall be carried out in accordance with the approved details and timings.

Reason: To ensure satisfactory drainage of the site and to avoid flooding of adjacent land and property and to ensure compliance with policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

# Appendix 2

## CHERWELL DISTRICT COUNCIL PLANNING COMMITTEE

6 October 2022

### WRITTEN UPDATES

#### **Agenda item 8**

**22/01683/F**

**Unit 7 Oxford Technology Park Technology Drive Kidlington**

#### **Additional representations received**

OCC Highways has clarified that there are no objections to the cycle details as proposed.

#### **Recommendation**

As per the published agenda report.

#### **Agenda item 9**

**22/01999/F**

**60 Bicester Road Kidlington OX5 2LF**

#### **Additional representations received**

CDC Arboricultural Officer has raised concerns regarding the potential impact of the proposal on a tree at the front of the site. To enable this to be properly assessed, an arboricultural impact assessment is required to be submitted.

#### **Recommendation**

It has been agreed with the Chairman of the Planning Committee for this application to be withdrawn from the agenda. This will allow for the preparation, submission and assessment of an arboricultural impact assessment. The application will then be included on a future Planning Committee agenda and be presented for determination.

#### **Agenda item 10**

**21/02769/F**

**Land Between Sewage Works and Manor Farm adjacent street from Bell Street to Balscote, Hornton**

#### **Additional representations received**

A further 21 letters of objection have been received from local residents. Areas of objection include the following:

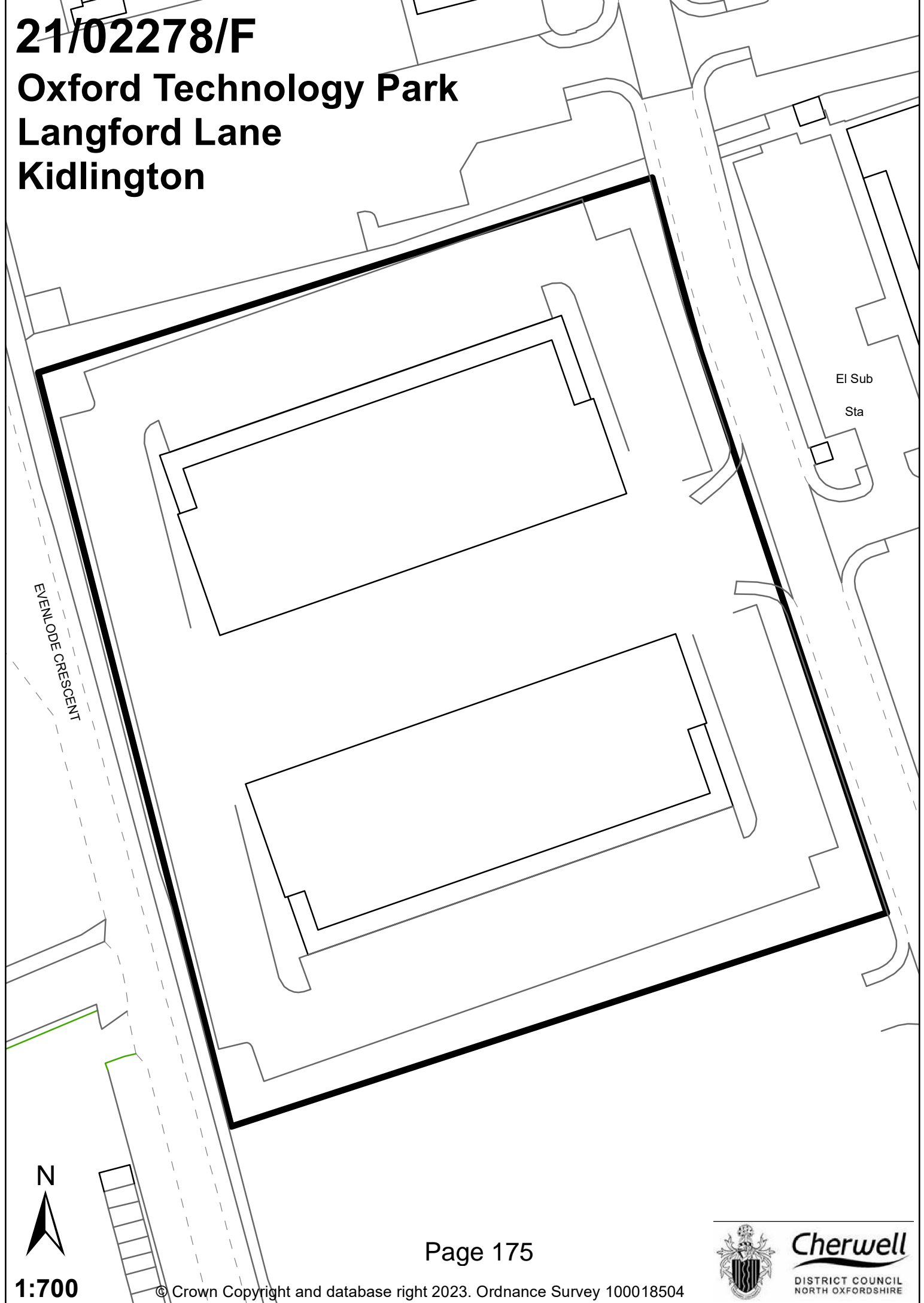
- Development on greenbelt land
- Development would set a precedent for other schemes
- Contrary to National and Local Plan Policies such as 'no isolated homes in the countryside'
- Hornton is a Category C village not a Category A village like Sibford Gower used in the officer's report.

Oxford Technology Park  
Langford Lane  
Kidlington



**21/02278/F**

**Oxford Technology Park  
Langford Lane  
Kidlington**



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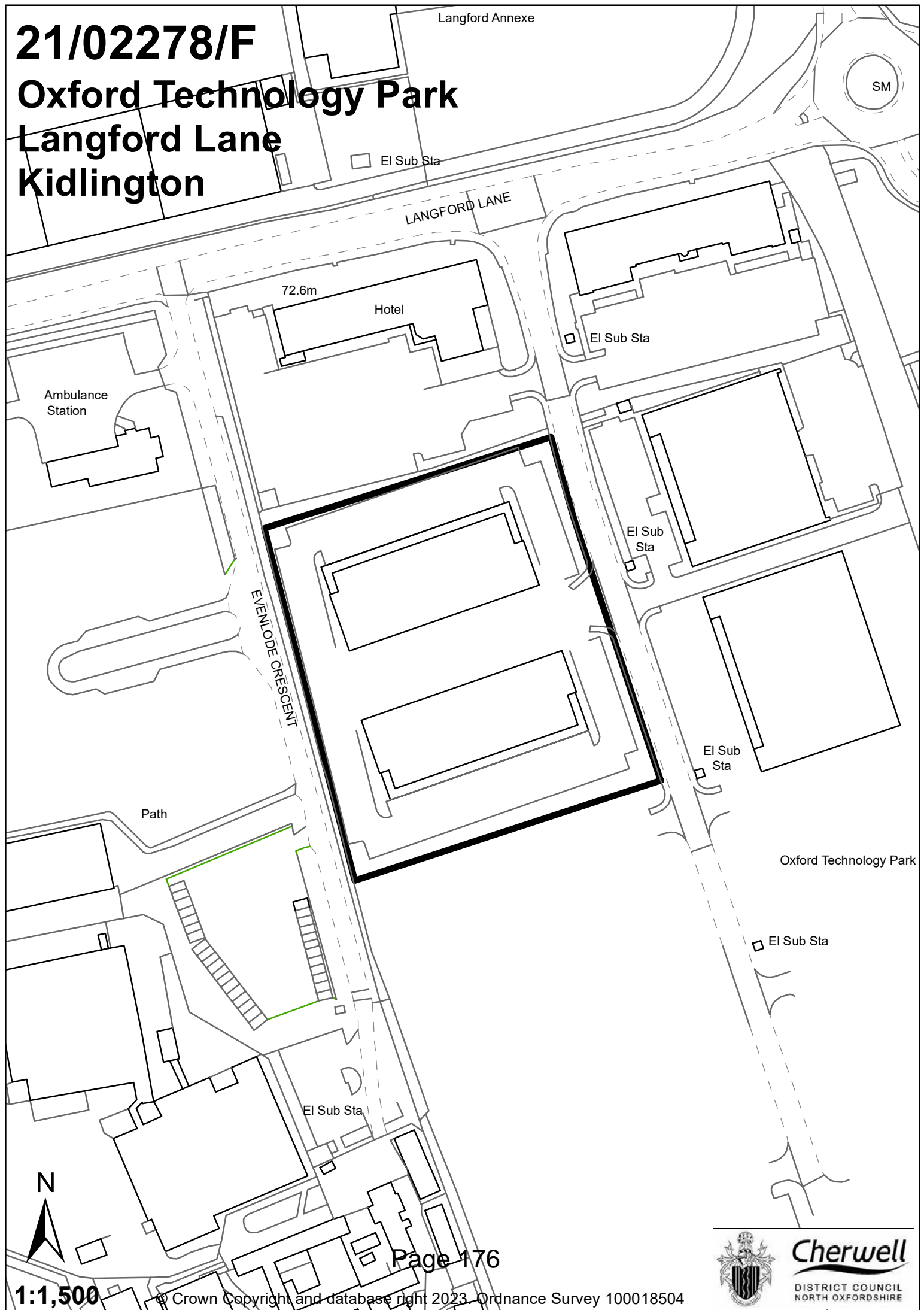


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# 21/02278/F

## Oxford Technology Park Langford Lane Kidlington





**Case Officer:** Andrew Thompson

**Applicant:** Oxford Technology Park Limited

**Proposal:** Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective)

**Ward:** Kidlington West

**Councillors:** Cllr Conway, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major development

**Expiry Date:** 31 January 2023

**Committee Date:** 12 January 2023

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. REASON FOR REVERSION TO PLANNING COMMITTEE**

1.1 Members may recall that a resolution was agreed by Planning Committee on 7 October 2021 That authority be delegated to the Assistant Director for Planning and Development to grant permission for application 21/02278/F subject to:

- i. The completion of a Linking Agreement to the original Planning obligation under Section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991
- ii. The conditions as set out in the agreed minutes.

1.2 The planning permission has not been issued and the application remains 'live' as the s106 has not been completed whilst the applicant has sought confirmation as to the need for the linking agreement given the completion of the highway works and travel plan monitoring contribution being paid.

1.3 The application is being reported back to Committee due to the amendment in the resolution. Further the development has commenced work on site (in advance of the permission being in place) and as such the planning conditions require significant amendment.

**2. APPRAISAL**

Scope of this report

2.1 The Planning Committee report presented on the 7 October 2021 has been included as Appendix 1 below and an extract of the relevant previous Written Update report as Appendix 2. This previous report sets out the site description, proposed development, consultation responses and it contains the full assessment of the proposal against the relevant Development Plan policies. The purpose of this update report to set out all changes to the application since the previous resolution was granted. Aspects of the assessment of the application which remain unchanged and

do not materially impact upon the planning assessment of the scheme are not included within this update report.

### Scope of the Application

- 2.2 Since resolution on 7 October 2021 the applicant has submitted a Drainage Statement and plans of the details and a Sustainability and Energy Statement as well as details of bin and cycle stores.
- 2.3 The applicant submits that the following conditions (anticipated to be imposed on any planning permission issued under the October 2021 resolution of the Planning Committee) require review due to the time elapsed and the status of the development on site and the further information submitted:

Condition 7 – The development is essentially complete, and they request that there is no ongoing need for a Construction Traffic Management Plan.

Condition 8 – A surface water drainage scheme has been submitted

Condition 10 – Oxford Airport has confirmed it has no operational concerns from the proposed development and there is therefore no requirement for a full technical safeguarding study to assess the effects of the development on London Oxford Airport's navigation aids and radar equipment. This is also not a condition replicated for Buildings 5 and 7 and therefore it is also not deemed to be an issue by the Local Planning Authority. Applicant requests that there is no requirement for this condition.

Condition 11 – A lighting scheme has been installed.

Condition 12 – A landscaping scheme has already been installed and accords with the principles of the landscaping scheme approved under the original outline permission for the site. Applicant request that there is no requirement for this condition.

Condition 13 – Applicant suggests this could just be linked to the installed landscaping scheme.

Condition 14 and 15 – The cycle and bin locations and details have been submitted. These correspond to approved details elsewhere on the development and are in the process of being installed.

Condition 17 – A Sustainability and Energy Statement has been submitted

### Planning History Update

- 2.4 It should be noted that a separate planning application (Ref. 22/02214/F) is pending consideration concurrently for the proposed variation of condition 2 (plans) 6 (vehicle parking layout) 16 (external Areas) of 21/03913/F - amendments to specified conditions relating to Building 5. This application is expected to be determined prior to Committee.
- 2.5 Development on Plot 7 (under reference 22/01683/F) and an application for Unit 6 (under reference 22/02647/F) are also under consideration and on this agenda.

### Publicity

- 2.6 No further public consultation has been undertaken. This was on not considered necessary due to the previous resolution of the Committee and that the information

now submitted does not amend the application submission detail in terms of the built form.

#### Consultation

- 2.7 There have been no further consultation responses since the original planning application

#### Principle of development

- 2.8 There have been no material changes to the Development Plan or National Planning Policy since the resolution of the planning committee.
- 2.9 Whilst the development has commenced, this has been carried in accordance with the agreed details with Construction Management in place (e.g. a guardsman at the site entrance, PPE safety measures and appropriate construction management through a site office). As such there have been no changes in circumstances which would alter the original consideration of the report.
- 2.10 The application is now part retrospective. However, the actions of the Developer to implement the scheme proposed prior to receiving planning permission does not have an impact on the planning merits of the proposed and the application must continue to be considered in the normal way.

#### Cycle and Bin Stores

- 2.11 The proposed development includes provision for 4 shelters with two on the site frontage and two at the rear of the proposed units on the access road between Units 4a and 4b. Each accommodating 10 cycle stands in a stacking mechanism creating a total provision of 40 spaces. This provision is consistent with the provision provided elsewhere on the Park and maximises the use of the site. Further the proposals would be consistent with national guidance in LTN 1/20. Whilst the County Council in their updated guidance would prefer Sheffield stands, taking account national guidance and the use of stacking systems on the development is considered acceptable and has been considered acceptable elsewhere.
- 2.12 The application plans also show two bin stores (one for each building) located to the rear boundary. These details are easily accessible to service the site and would be also accessible to bin and refuse vehicles.
- 2.13 As such it is considered that the submitted details are considered to be acceptable and in accordance with the aims and objectives of national guidance in LTN 1/20 and consistent with other implemented and approved neighbouring development.

#### Travel Plan Monitoring Fee

- 2.14 Since the resolution of the original planning permission, Officers have had the opportunity to review the Travel Plan Monitoring fee and the original s106 Agreement to the development under 14/02067/OUT for 40,362sqm of office, research and development, laboratory, storage and ancillary space and the implementation of development under the approved Reserved Matters to the Outline Planning Permission (in particular Unit 3 which is now occupied).
- 2.15 The s106 Agreement to the Original Planning Permission required a contribution of £9,040 towards Travel Plan Monitoring across the whole site alongside the implementation of a number of highway and cycling enhancements which have been implemented. As the Development has been implemented, the s106 is enforceable

across the whole development and therefore further linking agreements are unnecessary.

- 2.16 It is noted that Contributions towards highway improvements were previously secured through the outline consent 14/02067/OUT including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 2.17 In responding to this application, the original report noted on 7 October 2021 that OCC have raised no objection and have not requested any linking agreement, as the highway improvements previously secured through the original outline permission have now been implemented.
- 2.18 As such in reviewing the s106 and the terms of the original planning permission the resolution to require a s106 Agreement to link the Travel Plan payments is not considered necessary to make the development acceptable and as such is no longer sought.

#### Drainage Strategy

- 2.19 The applicant has submitted a Drainage Strategy and associated plans on 25 November 2022 which shows the wider implementation of Sustainable Drainage Systems which meet the 1 in 100 year event and a 40% buffer for Climate Change (or the equivalent of greenfield run off rates).
- 2.20 It is noted that as part of the Discharge of Conditions to the original outline permission, under reference 16/00533/DISC Conditions 10 (surface water drainage scheme) and 11 (drainage strategy) were discharged on the basis of similar schemes and the same details to Unit 6 have been considered to be acceptable by the Local Lead Flood Authority (LLFA) in particular.
- 2.21 As such the submission of the Drainage Strategy and associated plan are considered acceptable and the conditions require updating to be consistent to the approach taken on the adjoining sites with the details on the implemented scheme being provided to the LLFA.

#### Sustainability and Energy Strategy

- 2.22 The applicant has submitted a Sustainability and Energy Strategy on 18 December 2022. The submitted strategy highlights that the only renewable energy generation technology that is practical and feasible to operate on this park is solar PV electricity generation. Due to the design of the hybrid units, these panel can be accommodated on the roofs with no impact on visual impact, air quality or increase to traffic generation. In addition, there would be no further planning issue in doing so.
- 2.23 Detailed analysis of potential renewable energy technology and provision has been conducted through-out the BREEAM process. The Applicant has now undertaken Simplified Building and Energy Model (SBEM) analyses, design and strategies.
- 2.24 A scoping exercise is currently on-going with the electricity distribution network with regard the capacity that can be accepted by the grid.
- 2.25 Overall the park has been designed in order to strive for sustainable development in all areas.
- The drainage strategy is fully SUDS compliant, in order that the surface (storm) water drainage is equivalent to green field run-off rates.

- The materials used in the construction of the buildings will be recycled and recyclable where possible.
- The travel plan formed in accordance with the county highways strategy encourages the use of public transport through the bus that links to the park & ride, and parkway train station. This bus will be supported by the park through S106 contributions for the first five years of occupation as a 'pump priming' exercise.
- The travel plan also encourages cycling to the park through suggesting practical routes, and providing plenty of covered cycle parking racks. The park will also provide a cycle path link from the main access road to the A44 and the international cycle route which runs along the A44, as per the county highways S106 requirement.
- Further to the cycle link we will be providing above the park aims to encourage cycling through researching and assisting with the implementation of further cycle routes around the local area.
- During the occupation of the park, recycling will be facilitated on a site wide basis
- Onsite provision of food and drink with an informal meeting space through the provision of an onsite coffee shop, restaurant and bar (part of the current hotel in building 2) will encourage people to meet, eat and socialise onsite during the working day and reduce travel in order to procure food and drinks. As well as a Park Hub space in Building 4B, the 'Innovation Quarter' to create a community within the Park.

2.26 It is anticipated that the development will achieve BREEAM 'Excellent' status which is above the level expected by Policy and the condition agreed on 7 October 2021.

2.27 Overall the Sustainability and Energy Strategy is considered to be acceptable and Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework and would meet the requirements of the previous condition. As such the condition would need to be amended to reflect the submission.

#### Update to Planning Conditions

2.28 The resolution from October 2021 included a number of pre-commencement conditions:

Condition 7 required a Construction Traffic Management Plan (CTMP),

Condition 8 required a detailed surface water drainage scheme

Condition 10 required a technical safeguarding study to the effects of the development on London Oxford Airport's navigation aids and radar equipment.

Condition 12 required a landscaping scheme

Condition 14 required details of the cycle parking to be implemented

Condition 15 required details of the bin and recycling facilities to be implemented

Condition 17 required the submission of a Sustainability and Energy Statement.

2.29 It is also noted that Condition 16 required details of boundary treatment to be submitted prior to the occupation of the development

2.30 The submission of further amended plans and information and progression of other units on the site have allowed for updated conditions to be proposed and have satisfied several conditions originally proposed.

### **3. PLANNING BALANCE AND CONCLUSION**

3.1 For Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.

3.2 The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.

3.3 It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2015, Policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of Outline planning consent. Development has commenced on the site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.

3.4 The proposals are considered to be acceptable in all other regards and conditional approval was recommended and agreed by Committee.

### **4. RECOMMENDATION**

#### **RECOMMENDATION – GRANT PERMISSION SUBJECT TO THE CONDITIONS SET OUT BELOW**

##### **CONDITIONS**

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

- 2612-01 PL2 - Building 4A & 4B Site Location Plan
- 2612-02 PL4 - Proposed Site Plan/Hard landscaping
- 2612-04 PL3 - Cycle and Bin Locations
- 2612-06-PL1 – Proposed Bin Locations
- 2612-10 PL3 - Building 4A Ground Floor Plan
- 2612-11 PL3 - Building 4A First Floor Plan
- 2612-12 PL3 - Building 4A Roof Plan
- 2612-13 PL3 - Building 4B Ground Floor Plan
- 2612-14 PL3 - Building 4B First Floor Plan
- 2612-15 PL3 - Building 4B Roof Plan
- 2612-16 PL3 - Building 4A Elevations
- 2612-17-PL3 - Building 4B Elevations
- D42985/PMU/C – Lighting Plan
- 42985 – Lighting Design Report

- 5269-OTP4-ICS-CO-C-03.003 – Unit 4 – Drainage Statement
- P21-002-101 Rev C4 – Drainage Details/Engineering Layout
- Sustainability and Energy Statement received 18 December 2022

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

2. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:
  - Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8th February 2017;
  - Reptile Method Statement ref. 8939\_MS\_APPR\_12 10 16.docx dated 12th October 2016;
  - Biodiversity Enhancement Measures ref. 8939\_EMP\_APPR\_02 02 2017.docx dated 2nd February 2017;
  - Bird Control Management Plan dated 14th March 2017.

Reason: To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

3. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

4. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. Other than the approved lighting hereby permitted, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

10. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.



Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

11. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

# Appendix 1

**Oxford Technology Park Langford Lane Kidlington**

**21/02278/F**

**Case Officer:** Bernadette Owens

**Applicant:** Oxford Technology Park Limited

**Proposal:** Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking

**Ward:** Kidlington West

**Councillors:** Cllr Copeland, Cllr Tyson and Cllr Walker

**Reason for Referral:** Major development

**Expiry Date:** 14 October 2021

**Committee Date:** 7 October 2021

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## **SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS AND LEGAL AGREEMENT (IF DEEMED NECESSARY)**

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

- 1.1. The application site is on the northern edge of Kidlington and comprises a relatively flat rectangular site of 1.225 hectares. The application site forms part of the larger 8.3 hectare Oxford Technology Park site on the southern side of Langford Lane. The wider site is bound to the west by the South Central Ambulance Service and Kidlington Ambulance Station and to the east by the Oxford Motor Park. To the north of Langford Lane is the Oxford Spires Business Park and London Oxford Airport and to the south of the site is agricultural fields.
- 1.2. Outline planning consent has already been granted under planning permission ref. 14/02067/OUT for the development of the wider Oxford Technology Park site for 40,362sqm of office, research and development, laboratory and storage space within use classes B1, B2 and B8. The construction of Units 1 and 3 (approved under ref. 17/01542/REM) at the top of the site are currently underway. A further planning permission was also granted for a Premier Inn hotel development which has also been constructed on the frontage of the site.
- 1.3. The application site lies to the rear of the hotel development and is accessed from the main spine road that runs through the centre of the technology park development site.
- 1.4. The current application represents the next phase of the development of the Oxford Technology Park site.

### **2. CONSTRAINTS**

- 2.1. The application site lies within the Oxford Green Belt and in close proximity to the Rushy Meadows SSSI to the east.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks detailed planning consent for the construction of 11no. commercial units within 2no. buildings comprising a total of 6,448sqm of commercial floorspace within use classes E (g) (i) – (iii), B2 and B8. This is consistent with the

outline consent for the site which permits development within class B1 and B2 with ancillary B8 use.

- 3.2. The proposed development is for an 'Innovation Centre' that is envisaged by the applicant to meet the needs of small to medium sized enterprises looking for a base to start or enhance operations to build a platform for economic growth that supports the local economy.
- 3.3. The units have been designed within two linear buildings of a scale and appearance consistent with the existing development at plots 1 and 3.
- 3.4. Access is to be taken from the main spine road into the Technology Park and parking is proposed to the front and rear of the buildings including electric vehicle charging points and cycle parking.

#### **4. RELEVANT PLANNING HISTORY**

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

- 4.1. 14/02067/OUT - OUTLINE (all matters reserved) - New build Technology Park comprising 40,362sqm of office, research and development, laboratory, storage and ancillary space – APPROVED
- 4.2. 16/00533/DISC - Discharge of Conditions 6 (means of access), 10 (surface water drainage scheme), 11 (drainage strategy), 12 (air quality impact assessment), 14 (low emission transport plan), 15 (reptile method statement), 16 (method statement for enhancing tree or shrub planting, areas of species rich grassland, habitat boxes for birds) and 18 (bird control management plan) of 14/02067/OUT – APPROVED
- 4.3. 17/00559/F - Variation of conditions 1, 2, 3, 5, 7, 9 and 21 of 14/02067/OUT to enable proper phasing of the development – APPROVED
- 4.4. 17/01542/REM - Phase 1 of Oxford Technology Park including details of siting, design, layout and external appearances of units referred to as 1 and 3 – APPROVED
- 4.5. 18/00047/DISC – Discharge of conditions 3 (landscaping scheme); 5 (cycle parking) and 6 (sustainability and energy statement) of 17/01542/REM – APPROVED.
- 4.6. 21/00690/REM – Variation of conditions 1 (plans), 2 (materials) 3 (landscaping scheme), 5 (cycle parking), 6 (sustainability and energy statement) of 17/01542/REM - amendments to Units 1 and 3 - APPROVED

#### **5. PRE-APPLICATION DISCUSSIONS**

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

#### **6. RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **17 August 2021**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. No comments have been raised by third parties.

## **7. RESPONSE TO CONSULTATION**

7.1. 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

7.2. KIDLINGTON PARISH COUNCIL: **No comments received.**

### CONSULTEES

7.3. CDC ARBORICULTURE: **No comments received.**

7.4. CDC BUILDING CONTROL: **No comments received.**

7.5. CDC ECOLOGY: **No comments received.**

7.6. CDC ECONOMIC DEVELOPMENT: **No comments received.**

7.7. CDC ENVIRONMENTAL HEALTH: **No comments** in respect of noise, contaminated land, air quality odour or light. Although it is noted that whilst there is provision for EV charging points, ducting for future expansion should also be installed as part of the development.

7.8. CDC LANDSCAPE SERVICES: **No objection.**

7.9. CDC PLANNING POLICY: **No comments received.**

7.10. OCC HIGHWAYS: **No objection** subject to S106 linking agreement and conditions.

7.11. OCC DRAINAGE: **No objection.**

7.12. BBO WILDLIFE TRUST: **No comments received.**

7.13. NATURAL ENGLAND: **No objection** based on the plans submitted the proposed development will not have a significant impact on protected nature conservation sites or landscapes.

7.14. ENVIRONMENT AGENCY: **No comments** refer to EA standing advice.

7.15. THAMES WATER: **No objection.**

7.16. THAMES VALLEY POLICE: **No comments received.**

7.17. LONDON OXFORD AIRPORT: **No comments received.**

## **8. RELEVANT PLANNING POLICY AND GUIDANCE**

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies

are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- SLE1 - Employment Development
- SLE4 - Improved Transport and Connections
- ESD1 - Mitigating and Adapting to Climate Change
- ESD2 - Energy Hierarchy
- ESD3 - Sustainable Construction
- ESD4 - Decentralised Energy Systems
- ESD5 - Renewable Energy
- ESD6 - Sustainable Flood Risk Management
- ESD7 - Sustainable Drainage Systems (SuDS)
- ESD8 - Water Resources
- ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 11 – Conservation Target Areas
- ESD13 - Local Landscape Protection and Enhancement
- ESD 14 – Oxford Green Belt
- ESD15 - The Character of the Built Environment
- ESD17 - Green Infrastructure
- KIDLINGTON 1 – Accommodating High Value Employment Needs
- INF1 - Infrastructure

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C15 – Prevention of coalescence of settlements
- C28 – Layout, design and external appearance of new development
- ENV1 – Development likely to cause detrimental levels of pollution

#### 8.3. Other Material Planning Considerations

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

### **9. APPRAISAL**

#### 9.1. The key issues for consideration in this case are:

- Principle of Development
- Transport and highway impact
- Design, and impact on the character of the area
- Residential Amenity
- Ecology impact
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

#### Principle of Development

9.2. The application site lies within the Oxford Green Belt where restrictive policies apply at national and local level through the National Planning Policy Framework (NPPF) and the CLP 2031 Part 1.

9.3. Notwithstanding this, the CLP 2031 Part 1 does set out a need for small scale review of the Green Belt as a result of the 2012 Employment Land Review which identified a

need for additional employment land in the Kidlington area. It is recognised that Kidlington has a very different economic role from the other villages in the District due to its location on the hi-tech corridor between London and Oxford and the proximity to Oxford University and Begbroke Science Park offering unique opportunities to attract and accommodate high value employment uses in the research and development sector. It is not anticipated that this need can be accommodated on sites within the built-up limits of Kidlington. A specific need has also identified at the Langford Lane area and the Science Park at Begbroke and exceptional circumstances are considered to exist to justify small scale review of the Green Belt to meet employment need.

- 9.4. Subsequently, policy Kidlington 1 refers to the Oxford Technology Park site as one of the locations where small scale review could accommodate high value employment development subject to site specific design and place shaping principles.
- 9.5. Unfortunately, the intended review and amendments to the Green Belt envisaged through policy Kidlington 1 have not been progressed despite some time having passed since the adoption of the CLP 2031 Part 1 in July 2015.
- 9.6. The application of policy (including very special circumstances) and the harm to the Green Belt was however considered through the Outline planning application (14/02067/OUT). Whilst it was concluded at the time that the development at this location would have an adverse impact on the Green Belt, the need to provide sites for high technology industry was considered to outweigh the harm and tipped the planning balance in favour of granting planning consent.
- 9.7. The site now comprises a ready development site where commercial development is already consented and under construction and the main spine road and access to the site have been constructed to facilitate the further development of the site.
- 9.8. In the meantime, the Outline planning consent (14/02067/OUT) has lapsed and the current application is for detailed consent, rather than reserved matters pursuant to the Outline consent and must be determined accordingly. Notwithstanding this, the proposals are considered to accord with the parameters set out at the Outline stage for the delivery of a technology park at this location and some of the information submitted and approved under the original Outline consent will be applicable to the development of the application site. The arguments put forward for very special circumstances in the consideration of the Outline application are also considered to remain valid and are given further weight through the adoption of the CLP 2031 Part 1 and policy Kidlington 1 which sets out a commitment to review the Green Belt at this location.
- 9.9. As such, given the history of the site and the clear intention of the Council to review the Green Belt at this location, the principle of the proposed development is considered acceptable.

#### Transport and Highway Impact

##### *Policy Context*

- 9.10. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development

## *Assessment*

- 9.11. The Oxford Technology Park site access junction with Langford Lane has recently been constructed. As the junction has been designed to accommodate the total quantum of development permitted by the Outline consent (14/02067/OUT), and the quantum of the proposed development (as well as development already permitted) does not exceed the parameters of the Outline consent, it is considered that the access arrangements into the technology park site are suitable to accommodate the development proposed.
- 9.12. The total quantum of development, and related trip generation, is also within that which has previously been assessed through the Outline application.
- 9.13. Visibility from the plot access junction is suitable, given the linear nature of the spine road. However, OCC highway officers have noted that the access junction between the application site and the internal spine road is wide in radius and the Transport Statement states that HGVs are not likely to require access to this site. There is no objection to the application on this basis and it is not considered necessary to require revised plans to address this. Whilst the use of the technology park site is for E (g) (i) – (iii) and B2 uses with ancillary B8 use, it can be reasonably assumed that large delivery vehicles may need to access the site to service the proposed units.
- 9.14. Car parking has been proposed based on the OCC standard for office use (one space per 30sqm) plus an additional 9 spaces. OCC highway officers have highlighted that the application of parking standards for office use where research and development floor space is also proposed would result in an overprovision of car parking which may encourage car travel to the site, although the County Council would not wish to raise an objection on this basis. A Travel Plan and Travel Plan Monitoring fee will be required to ensure that the use of sustainable modes of transport is encouraged and to reduce car travel to the site, the site is also sustainably located and offers realistic opportunities for modal shift.
- 9.15. Mitigation measures including public transport improvements and footway enhancements were also secured through the Outline consent in order to enhance sustainable transport options to the site.
- 9.16. Electric vehicle charging points are proposed to serve both buildings, providing 10no. charge points. In order to promote the take up of electric vehicle use, the Council promotes the installation of ducting to allow for future expansion of EV charging rather than retrofitting at a later date. This can be conditioned.
- 9.17. Cycle shelters are shown to the frontage of the proposed buildings but details of the appearance of these shelters has not been submitted and will need to be conditioned.
- 9.18. In addition to the highway impact of the development, the impact on the adjacent London Oxford Airport also needs to be considered. The original Outline consent required the submission of a full technical safeguarding study to assess the effects of the development on London Oxford Airport's navigation. This condition should be imposed again to ensure that there is no adverse impact to the airport navigation system as a result of the proposals.

## *Conclusion*

- 9.19. The proposals are considered to be in accordance with policies SLE4 of the CLP 2031 Part 1 as well as national planning policy set out within the NPPF in this regard.

## Design, and Impact on the Character of the Area

### *Policy Context*

- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way it functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.
- 9.21. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.

### *Assessment*

- 9.22. The application site is largely flat and is not within a sensitive landscape. The site is surrounded on its north, east and west side by other built development, much of which is relatively functional in appearance with the use of simplistic materials, including the hangers at Oxford Airport to the north of the site and the car showrooms to the east of the site.
- 9.23. The development comprises two rectangular buildings sited perpendicular to the main spine road through the technology park site. The buildings are sited either side of a central access road with parking surrounding.
- 9.24. The design of the buildings is consistent with the appearance of the buildings currently under construction at plots 1 and 3 and typical of a modern commercial development comprising large areas of glazing with grey panelling in varying shades. The buildings are designed to be constructed with a flat roof with roof top plant being screened by light grey walling.
- 9.25. In terms of scale, the buildings would be two storey in height, lower than the existing buildings on the frontage of the technology park site but in line with the two storey building at plot 3. This reduced scale creates a step down to the existing built form to the west and creates a uniformity within the Oxford Technology Park site.
- 9.26. The layout, scale and appearance of the proposed buildings are considered acceptable in the context and would be consistent with the design principles established on the technology park through the approval and construction at plots 1 and 3.
- 9.27. The landscape scheme for the site is also consistent with the principles agreed and approved through the Outline consent for the wider technology park including the retention and enhancement of the existing mature hedgerow to the western boundary and the planting of street trees along the main spine road. Full details will be required by condition.
- 9.28. Boundary treatment information has not been submitted with the application and will also need to be conditioned.
- 9.29. Areas for recycling (bin storage) are shown in the car park layout but details of the appearance of these areas (structures/boundary treatment) has not been submitted and will need to be conditioned.



### *Conclusion*

- 9.30. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and C28 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

### Residential Amenity

#### *Policy Context*

- 9.31. Policy ESD15 of the CLP 2031 Part 1 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.
- 9.32. Saved Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke other types of environmental pollution will not normally be permitted.

#### *Assessment*

- 9.33. The nearest residential properties are located at Evenlode Crescent to the west and the hotel to the north would also be a sensitive receptor. There is significant physical separation between the proposed development and these existing receptors so that there would be no undue harm by way of loss of light, overlooking/loss of privacy or overbearing impact as a result of the proposed development.
- 9.34. B1 and B2 uses have already been considered acceptable on this site under the original Outline consent and a condition was attached to the consent to control noise originating from the site. A similar condition will be imposed on this consent to ensure that the proposals would not cause nuisance or disturbance to a detrimental degree.

### *Conclusion*

- 9.35. The proposals are considered to be in accordance with policies ESD15 of the CLP 2031 Part 1 and ENV1 of the CLP 1996 as well as national planning policy set out within the NPPF in this regard.

### Ecology Impact

#### *Legislative context*

- 9.36. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.37. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.38. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the

integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.39. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.40. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.41. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.42. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.43. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

- 9.44. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.45. Policy ESD11 is concerned with Conservation Target Areas (CTAs), and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.46. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.47. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.48. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- It also states that LPA's can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
  - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.49. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the Rushy Meadows SSSI to the east. The ecological impact of the development has already been considered under the original Outline consent including the submission of further information by condition.
- 9.50. The site has now been cleared for development and consists of a 'clean' site. The existing mature hedgerow to the western boundary would not be affected by proposals and there are no buildings or trees to be removed or altered to facilitate the proposed development.
- 9.51. Having considered Natural England's Standing Advice and taking account of the site constraints and history of the site, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. The ecological impact of the development of the technology park site has already been considered and no further formal survey is required. Conditions will be imposed to ensure compliance with details already

approved in respect of ecology and biodiversity will be imposed and is considered sufficient to address the risk of any residual harm.

#### *Conclusion*

- 9.52. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD10 and ESD11 of the CLP 2031 Part 1 and taking into account Natural England Standing Advice.

#### Flood Risk and Drainage

##### *Policy Context*

- 9.53. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

##### *Assessment*

- 9.54. Flood risk and drainage on this site have been considered and addressed under the original Outline consent which agreed the drainage strategy and principles for the technology site as a whole.
- 9.55. Whilst an initial objection was raised to the current application by OCC Drainage, further clarification has been provided by the applicant and OCC have now removed their objection on drainage grounds. Conditions are recommended to ensure that the development is carried out to the satisfaction of the LLFA.

#### *Conclusion*

- 9.56. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

#### Energy Efficiency and Sustainability

##### *Policy Context*

- 9.57. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 1,000 sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.58. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

##### *Assessment*

- 9.59. The application does not include an Energy or Sustainability Statement to address how the development will seek to comply with Building Regulations and Policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good' standard.
- 9.60. Given the type of development proposed and limited constraints on the site, it is considered that there would be reasonable opportunities for the development to incorporate improvements to the building fabric and the installation of high efficiency equipment to secure environmental improvements to the built form in addition to the

utilisation of renewable energy sources such as solar panels and Air Source Heat Pumps.

- 9.61. A condition will be imposed to secure the submission of an Energy Strategy for the proposed buildings and the achievement of BREEAM 'Very Good' standard.

#### *Conclusion*

- 9.62. Subject to the imposition of suitable conditions requiring the submission of an Energy Strategy, Planning Officers are satisfied that the proposed development will be able to be designed to achieve sustainability through construction in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1

#### Planning Obligations

- 9.63. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.64. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.65. Contributions towards highway improvements were secured through the Outline consent including improvements to cycleway infrastructure and bus service provision along Langford Lane.
- 9.66. In responding to this application, OCC have suggested that a linking agreement will be required to link the development to the obligations attached to the Outline consent. This has been queried by the applicant based on the agreed trigger points for contributions and the current stage of the development. OCC are reviewing further, and a further update will be provided.

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

- 10.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development represents positive economic investment in a sustainable location supporting the overall development of the wider Oxford Technology Park site.
- 10.3. It is acknowledged that the site remains within the Oxford Green Belt although it is anticipated through CLP 2031 Part 1 policy Kidlington 1 that this would be amended. However, development of the site has been supported through the granting of Outline planning consent. Development has commenced on the site and the site now represents a ready development site with the necessary infrastructure to support the growth of the technology park for high value employment uses.
- 10.4. The proposals are considered to be acceptable in all other regards and approval is recommended.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND (IF DEEMED NECESSARY) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991.

### CONDITIONS

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: 2612-01 PL2; 2612-02 PL4; 2612-10 PL3; 2612-11 PL3; 2612-12 PL3; 2612-16 PL3; 2612-13 PL3; 2612-14 PL3; 2612-15 PL3; P21-002 101 C1

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

3. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:
  - Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8<sup>th</sup> February 2017;
  - Reptile Method Statement ref. 8939\_MS\_APPR\_12 10 16.docx dated 12<sup>th</sup> October 2016;
  - Biodiversity Enhancement Measures ref. 8939\_EMP\_APPR\_02 02 2017.docx dated 2<sup>nd</sup> February 2017;
  - Bird Control Management Plan dated 14<sup>th</sup> March 2017

Reason – To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

4. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F.

Reason - In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

5. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason - This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

6. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason – To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework

7. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP will include a commitment that construction traffic will not arrive or leave the site through Kidlington and that delivery or construction vehicles will only arrive or leave between 9.30 and 16.30. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.

Reason – In the interests of highway safety and the residential amenity of neighbouring occupiers.

8. No development shall take place until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan; • Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;

- Confirmation of any outfall details;
- Consent for any connections into third party drainage systems

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. Prior to the first occupation of the development hereby approved, a record of the installed SuDs and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- As built plans in both .pdf and .shp file format;
  - Photographs to document each key stage of the drainage system when installed on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - Photographs to document the completed installation of the drainage structures on site;
  - The name and contact details of any appointed management company information.

Reason – To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. No development shall commence until a full technical safeguarding study has been submitted to and approved in writing by the Local Planning Authority to assess the effects of the development on London Oxford Airport's navigation aids and radar equipment.

Reason: To ensure that the development does not unduly affect navigation and radar equipment at London Oxford Airport and to comply with Government guidance contained within the National Planning Policy Framework.

11. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

12. No development shall commencement until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:
- details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
  - details of the existing trees and hedgerows to be retained as well as those to be felled, 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,
- details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

Thereafter, the development shall be carried out in strict accordance with the approved landscaping scheme.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. Notwithstanding the details of the cycle parking shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed cycle parking to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In the interests of maximising the opportunities for sustainable travel in accordance with Policies ESD1 and SLE4 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Notwithstanding the details of the recycling areas shown on drawing no. 2612-02 PL4 submitted with the application, no development shall commencement until a detailed plan showing the proposed bin and recycling storage to serve the development be submitted to and approved in writing by the Local Planning Authority. Thereafter, construction shall only commence in accordance with the approved details.

Reason - In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

16. Full details of the enclosures along all boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority before the first occupation of the development hereby approved. Thereafter, the development shall be carried out in strict accordance with the approved plans.

Reason - To ensure the satisfactory appearance of the completed development, and to comply 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.

17. Prior to the commencement of the development hereby approved, a Sustainability and Energy Statement, outlining how sustainability will be built into the approved development including a scheme to allow for the easy expansion of the EV charging shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first use of the development, these sustainability measures will be implemented in accordance with the approved details.

Reason - To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

18. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason - In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

19. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

## **PLANNING NOTES**

1. Any trees planted must not be of a species not likely to attract large numbers of birds, including berry-bearing species and those likely to grow over 15m in height which may encourage a rookery.
2. If cranes are used during construction, there will be a need for the developer to liaise with the London Oxford Airport in accordance with the British Standard Institute Code of Practice for Safe Use of Cranes (BS 7121). Crane permits will be required from London Oxford Airport prior to use.
3. The applicant shall draw to the attention of the Local Planning Authority the presence of any unsuspected contamination encountered during development. In the event of contamination to land, water or environment being encountered, no development shall continue until a programme for investigation and/or remedial work, to be performed by a competent person, has been submitted in writing and approved by the Local Planning Authority. No part of the development shall be occupied until remedial, monitoring and certification of works have been undertaken and a remediation and validation reports submitted to and approved by the Local Planning Authority. For further information please contact the Council's Environmental Protection Officer.

## Appendix 2



Image from submitted Design and Access Statement

In relation to informing an assessment of the impact of the proposal in terms of its potential visual impact, or its potential impact on the setting of the surrounding area, it is the view of officers that entry to the site would not provide any additional benefit given the level of existing public viewpoints.

At this time there has been one objection and 2 comments submitted in response to the public consultation on the application. There are no obvious or significant conflicting claims between the applicant's submission and these comments received.

The recommendation of officers it is that a formal committee site visit is not necessary as it would have limited value in this instance.

### **Agenda item 8**

**21/02278/F**

**Oxford Technology Park, Langford Lane, Kidlington**

### **Additional Representations received**

None

### **Officer comments**

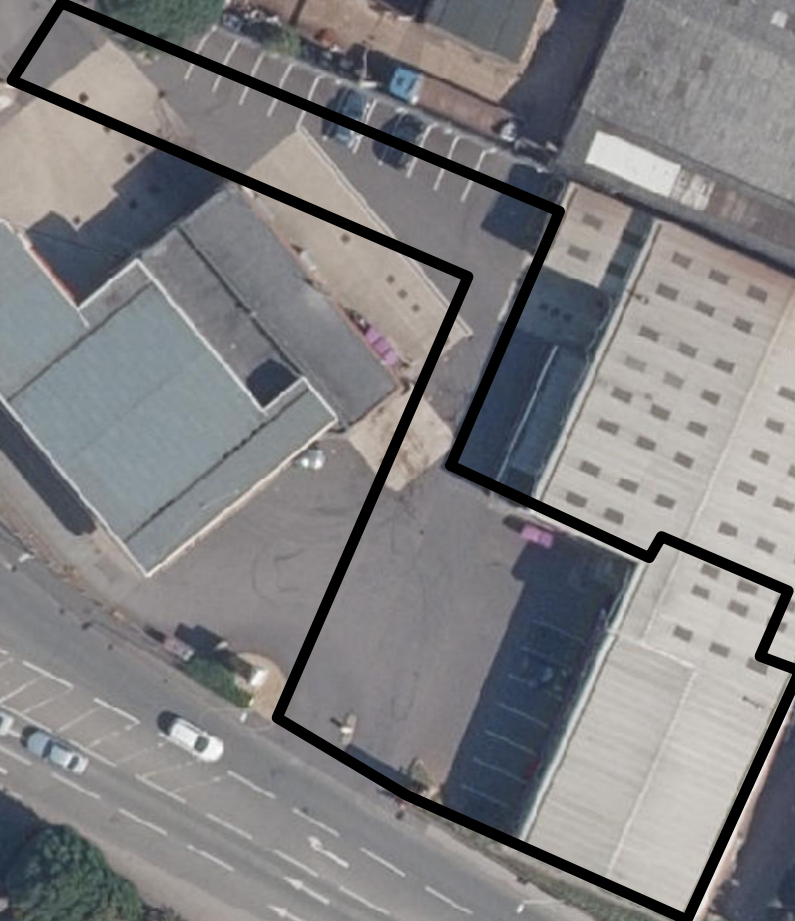
The case officer and applicant have been liaising to finalise and agree the final condition wording. Further comments from OCC are awaited on the requirement for construction management and drainage conditions based on what has already been agreed through the original outline consent. Delegated authority has been sought to amend conditions where necessary post Committee.

Further comment is also awaited from OCC on the requirement for a S106 linking agreement. Delegated authority has been sought to secure this if required.

### **Recommendation**

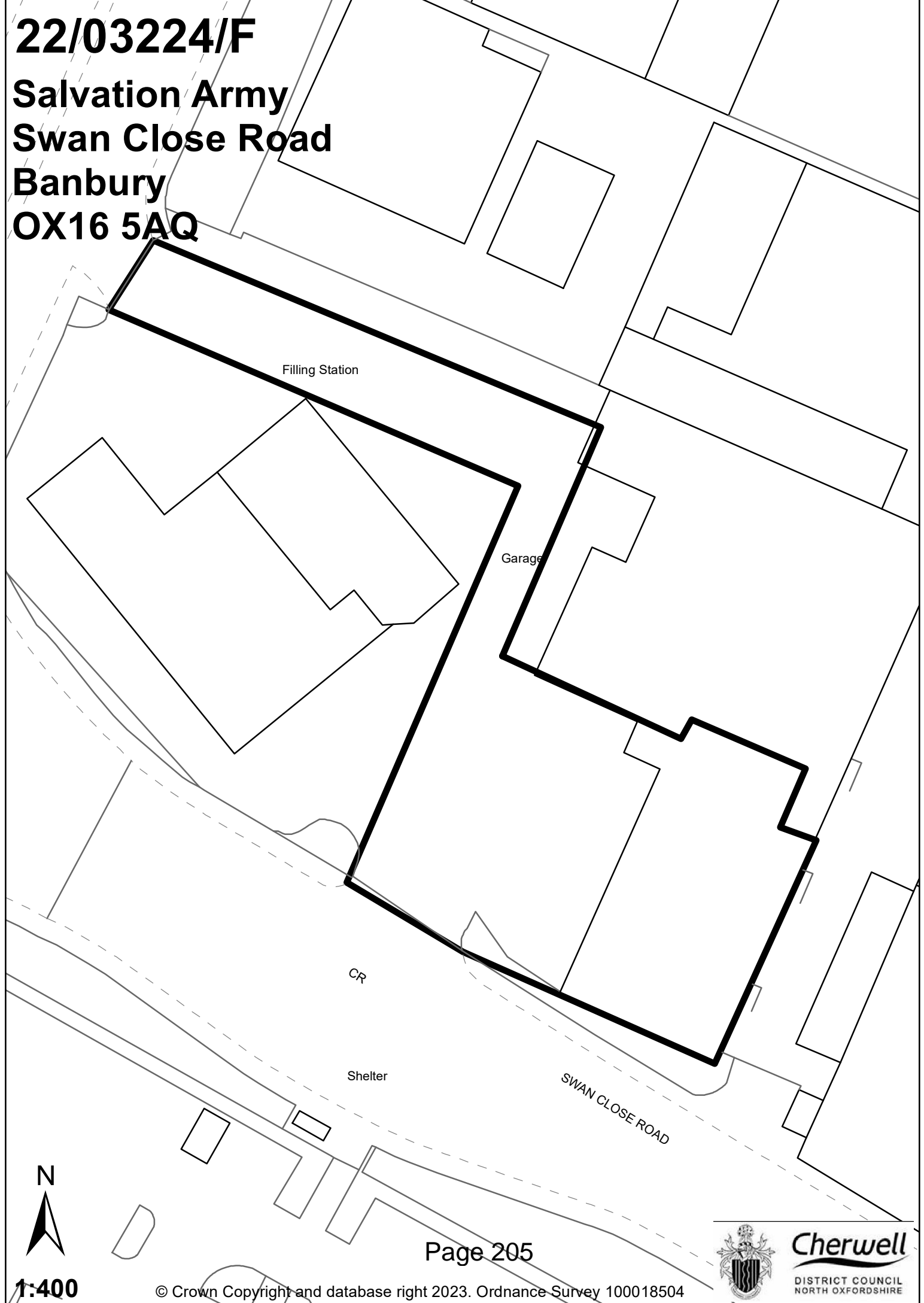
As per the published Agenda.

**Salvation Army  
Swan Close Road  
Banbury  
OX16 5AQ**



**22/03224/F**

**Salvation Army  
Swan Close Road  
Banbury  
OX16 5AQ**

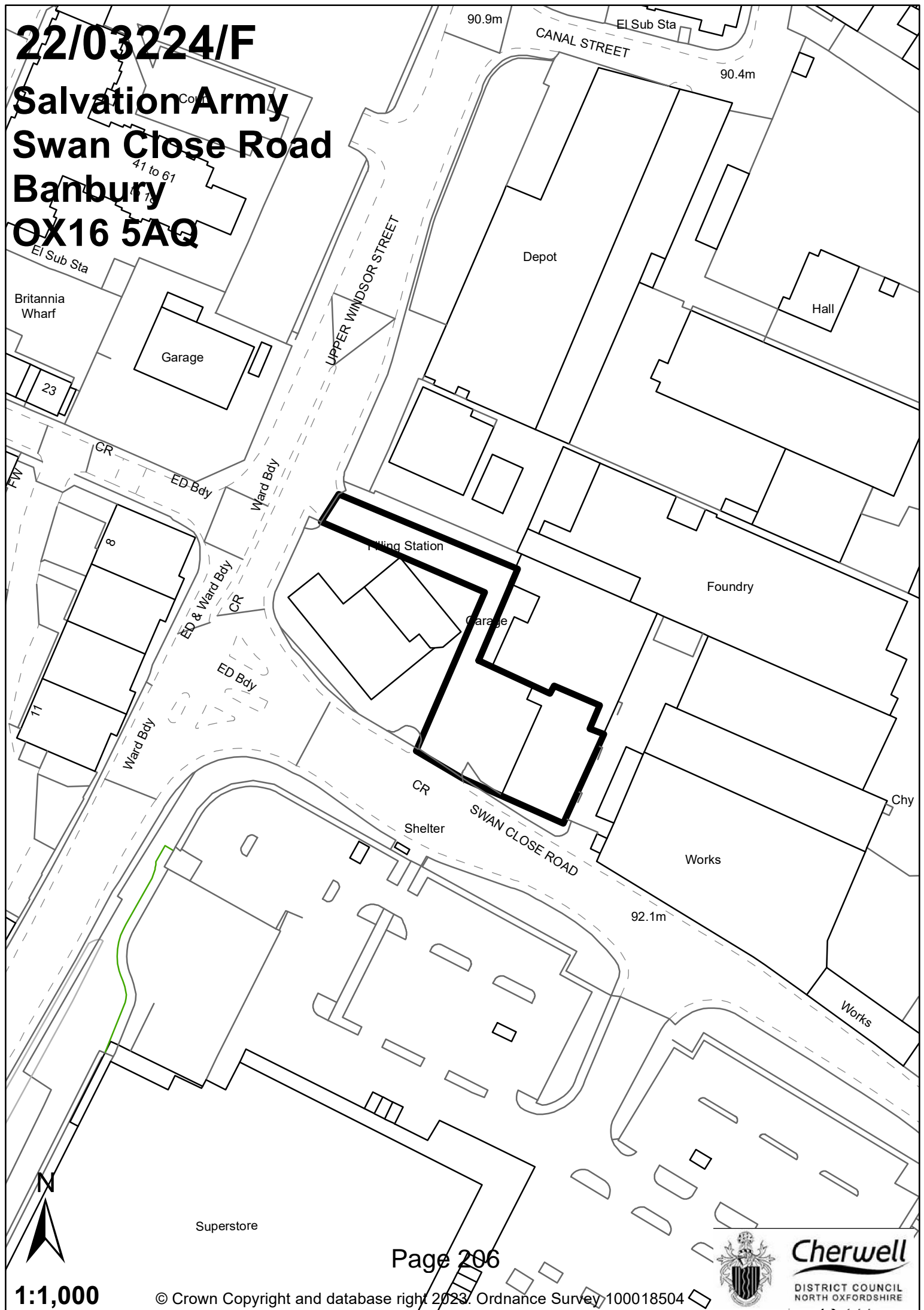


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22/03224/F

Salvation Army  
Swan Close Road  
Banbury  
OX16 5AQ



**Case Officer:** Will Anstey

**Applicant:** Salvation Army Trading Company Limited

**Proposal:** Variation of Condition 3 (temporary consent expiry date) of 18/01214/F (Change of Use to B8 storage and distribution with ancillary Class A1 shops and B1 offices).

**Ward:** Banbury Grimsbury and Hightown

**Councillors:** Cllr Beere, Cllr Biegel and Cllr Moon

**Reason for Referral:** Application affects Council's own land

**Expiry Date:** 19 December 2022

**Committee Date:** 12 January 2023

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**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is a former car showroom (previously known as the Antelope Garage) situated to the southeast of Banbury town centre. The site encompasses a corner plot, situated in a prominent location at the junction of Swan Close Road and Upper Windsor Street. The unit sits within a wider industrial area and is accessed alongside the existing Shell petrol filling station.
- 1.2. The site comprises the southern section of a part single-storey, part two-storey, industrial style building which is constructed of brick and grey profiled metal cladding above. The building has relatively large openings at the front, consistent with its former use as a car showroom, with smaller openings at the back. The building is currently occupied by the Salvation Army as a donation centre.

**Constraints**

- 1.3. The application building is not a listed building but is situated within the designated Oxford Canal Conservation Area and adjacent to the locally listed building occupied by 'Laser Sailcraft'. The site is located within the Banbury Canalside area, which is part of Policy Banbury 1 of the Cherwell Local Plan 2015.

**2. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 2.1 The application seeks to amend condition 3 of planning permission 18/01214/F. That permission granted consent for '*Change of Use to B8 storage and distribution with ancillary Class A1 shops and B1 offices*'. Condition 3 of the permission imposed a time limit on the consent, which requires the approved use to cease and the building to be returned to its previous condition on or before 21 September 2023.
- 2.2 The applicant seeks to amend the wording of Condition 3 to allow the current use, as consented by 18/01214/F, to continue for a further five years until 21 September 2028. Consent 18/01214/F has been implemented.

### 3. RELEVANT PLANNING HISTORY

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

*Application: 18/01214/F*

This permission granted change of use of the site to B8 storage and distribution with ancillary Class A1 shops and B1 offices. The permission is subject to a time limit requiring the use to cease and the land be restored to its former condition on or before 21 September 2023. No external changes were proposed as part of the application.  
Permitted 21 September 2018

*Application: 18/01619/ADV*

This permission granted consent for 3No. non-illuminated fascia signs, reverse applied windows vinyl's and 2No. internally illuminated totem units, all for the Salvation Army.  
Permitted 6 December 2018

*Application: 18/00407/DISC*

Discharge of condition 4 (cycle and car parking details) of 18/01214/F.  
Permitted 6 December 2018

### 4. PRE-APPLICATION DISCUSSIONS

4.1 No formal pre-application discussions have taken place with regard to this proposal however, the applicant was advised that to extend the time limit on the temporary permission a variation of condition application would be required.

### 5. RESPONSE TO PUBLICITY

5.1 This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **17 November 2022**.

5.2 No comments have been raised by third parties.

### 6. RESPONSE TO CONSULTATION

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

#### TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2 BANBURY TOWN COUNCIL: **No objections** to the temporary permission being extended to match the period of the lease.

#### CONSULTEES

6.3 OCC HIGHWAYS: **No objections** - *The proposals are unlikely to adversely impact the local highway network in traffic and safety terms. OCC does not object to the granting of planning permission.*

6.4 CDC ENVIRONMENTAL PROTECTION:

Noise: *No comments.*

Contaminated Land: *No comments.*



Air Quality: *No comments.*

Odour: *No comments.*

Light: *No comments.*

- 6.5 No comments have been received from CDC Economic Development, CDC Ecology or CDC Building Control.

## **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 Local Plan 2011-2031 – Part 1 replaced several of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 (CLP 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)

- Policy PSD1: Presumption in Favour of Sustainable Development
- Policy SLE1: Employment Development
- Policy ESD1: Mitigating and Adapting to Climate Change
- Policy ESD2: Energy Hierarchy and Allowable Solutions
- Policy ESD3: Sustainable Construction
- Policy ESD5: Renewable Energy
- Policy ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- Policy ESD15: The Character of the Built and Historic Environment
- Policy ESD16: The Oxford Canal
- Policy Banbury1: Banbury Canalside

### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- Saved Policy C23 – Retention of features contributing to character or appearance of a conservation area
- Saved Policy C28 – Layout, design and external appearance of new development
- Saved Policy C29 – Appearance of development adjacent to the Oxford Canal
- Saved Policy C30 – Design control

- 7.3 Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990

## 8. APPRAISAL

### Background and Context

- 8.1 This application is made under Section 73(A) of the Town and Country Planning Act 1990 (as amended) (hereafter referred to as the TCPA) to vary condition 3 of planning permission 18/01214/F.
- 8.2 Section 73A (2)(c) of the TCPA allows Local Planning Authorities to grant planning permission for development that has already taken place without complying with some conditions.
- 8.3 Permission 18/01214/F has been implemented and the Salvation Army are operating from the application site. Condition 3 of planning permission 18/01214/F states: '*On or before 21st September 2023, the use hereby approved shall cease and the land and buildings restored to their former condition*'. As consent was granted in September 2018, this condition allows the consent to last for 5 years, however the Salvation Army's lease of the premises lasts for ten years, until 2028. The application seeks to extend the consent until September 2028.
- 8.4 The reason given for the condition is that '*To grant a permanent consent would be premature and could prejudice a comprehensive redevelopment of the wider Canalside area, and to comply with Policies PSD1 and Banbury 1 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained in the National Planning Policy Framework*'.
- 8.5 Officers consider that Condition 3 relates to the principle of the development and therefore this forms the key issue for this application.

### Principle of Development

#### *Policy Context*

- 8.6 The development plan for the district comprises the Cherwell Local Plan Part 1 adopted 2015 (CLP 2015) and the saved policies of the Cherwell Local Plan 1996 (CLP 1996). The National Planning Policy Framework (NPPF) is a material consideration.
- 8.7 Paragraph 11 of the NPPF states that a presumption of sustainable development should be seen as a golden thread running through decision taking, which means approving development proposals that accord with an up-to-date development plan without delay. The NPPF goes on to say that, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 8.8 Policy PSD 1 of the Cherwell Local Plan 2015 echoes these aspirations and states that wherever possible, development should improve the economic, social and environmental conditions in the area.
- 8.9 Policy SLE 1 of the Cherwell Local Plan 2015 states that:

*Employment proposals at Banbury, Bicester and Kidlington will be supported if they meet the following criteria:*

- *Are within the built up limits of the settlement unless on an allocated site*
- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated*
- *Make efficient use of previously-developed land wherever possible*

- *Make efficient use of existing and underused sites and premises increasing the intensity of use on sites*
- *Have good access, or can be made to have good access, by public transport and other sustainable modes*
- *Meet high design standards, using sustainable construction, are of an appropriate scale and respect the character of its surroundings*

*Do not have an adverse effect on surrounding land uses, residents and the historic and natural environment*

- 8.10 Policy Banbury 1: Banbury Canalside of the Cherwell Local Plan 2015 encompasses 26 hectares of land, including that which is occupied by the application site. *“Banbury Canalside is the name given to the land between Banbury Town Centre and Banbury Railway Station. The successful regeneration of Canalside and its potential to act as a catalyst for change in the town has been a key component of Cherwell District Council’s planning and regeneration aims for a number of years”*. When considering proposals for development in this location, it is important to understand the principles enshrined within the policy, which seeks the following:

*Provision of new homes, retail, office and leisure uses, public open space, pedestrian and cycle routes including new footbridges over the railway line, river and canal, and multi-storey car parks to serve Banbury railway station. Re-development would bring about significant environmental benefits in terms of improving the appearance of the built environment, the town centre, and the quality of the river and canal corridor. The wider community will have access to new services and facilities and Banbury’s economy will benefit with the increase in the number of visitors to the town.*

- 8.11 It is noted that, given the complexities of the site, a separate Supplementary Planning Document (SPD) is to be developed and will form the basis of an Action Plan to take forward this regeneration scheme. However, whilst the ‘Canalside SPD’ is in preparation, it has not progressed since 2013.

#### *Assessment*

- 8.12 Within the Committee Report for application 18/01214/F Officers explained that the proposed use of the building for storage and distribution, with ancillary retail and office elements, was not entirely in accordance with the aspirations of policy Banbury 1. It was however noted that there had been no progress on the Canalside SPD and no imminent likelihood of a scheme coming forward for the comprehensive redevelopment of the Canalside area. Given such context and that the scheme complied with the requirements of policy SLE1 of the CLP 2015, it was concluded that the change of use was acceptable in principle.
- 8.13 It was though considered that a temporary permission was appropriate to ensure that the Canalside redevelopment could be undertaken in the future.
- 8.14 It remains the case today that the Canalside SPD has not progressed and there is no imminent likelihood of a scheme coming forward for the comprehensive redevelopment of the Canalside area. As such, the context in which the original decision was taken remains unchanged.
- 8.15 Further, the proposal remains compliant with policy SLE1 of the CLP2015 as it is within the built-up limits of Banbury; is outside of the Green Belt; makes efficient use of the site; has good access and can be easily accessed by public transport; does not affect the design or character of the area; and does not have an adverse effect on surrounding uses.

- 8.16 Condition 3 originally allowed the consent to last for 5 years and this current application seeks to extend that period by a further 5 years. Given the context of this application is not substantially different to that which existed in 2018 when consent was first granted, and given that it has operated for five years already without causing any detriment, Officers consider it reasonable to allow the consent to run for a further 5 years, as sought by the applicant.
- 8.17 Within the original Committee Report it was also noted that: *'the Council has ownership of the land and is responsible for leasing the property to the applicant. Should the 'Canalside SPD' progress in the future, then the Council would have control over whether this site could be vacated to make way for any future development. Whilst this is not necessarily a planning matter, given the control that the Council has over the land, it is considered that the granting of this permission would not inhibit the future implementation of this Policy Banbury 1 and is therefore acceptable in this regard'*. As the Council remains the owner of the land, this statement remains applicable today.

#### Other Matters

- 8.18 Extending the time period for this temporary consent is not considered to have any impact on the character of the area, heritage assets, residential amenity, highway safety, ecology or climate change. Further, no consultees have objected to the scheme and there have been no public comments.

#### Conditions

- 8.19 When granting an application under Section 73, it is necessary to reimpose the conditions that were on the original consent unless changes have been found to be acceptable under this application or the conditions are no longer required.
- 8.20 Condition 1 of 18/01214/F imposed a time limit for commencement of development. As the development has been commenced, this condition is no longer necessary. The second condition required compliance with the submitted plans and remains relevant. The third condition is the subject of this application and is recommended to be altered to allow the consent to continue until 2028. The final condition (no.4) required submission of car and bike parking details. Details were submitted and approved under application 18/00407/DISC. Therefore, this condition is recommended to be modified to require ongoing compliance with the approved details.

### **9. PLANNING BALANCE AND CONCLUSION**

- 9.1 In view of the nature of the development and the policy and site context, extending the time period of this temporary consent is considered to be acceptable against Policies SLE1 and Banbury 1 of the Cherwell Local Plan 2015 and Government guidance contained within the NPPF. Furthermore, there would not be a detrimental impact on visual amenity, residential amenity or highway safety. The proposal is therefore considered to be sustainable development that accords with the relevant policies of the Development Plan, and in accordance with Paragraph 11 of the NPPF, permission should be granted.

## 10 RECOMMENDATION

**DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS MAY BE DEEMED NECESSARY)**

### **CONDITIONS**

#### **Compliance with Plans**

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
  - Application form for application 18/01214/F
  - Site Location Plan for application 18/01214/F
  - Site Plan for application 18/01214/F

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

#### **Temporary Consent**

2. On or before 21st September 2028, the use hereby approved shall cease and the land and buildings restored to their former condition.

Reason: To grant a permanent consent would be premature and could prejudice a comprehensive redevelopment of the wider Canalside area, and to comply with Policies PSD1 and Banbury 1 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained in the National Planning Policy Framework.

#### **Parking**

3. The parking facilities approved under application 18/00407/DISC shall be retained for the parking of vehicles at all times.

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

# Agenda Item 13

## Cherwell District Council

### Planning Committee

12 January 2023

#### Appeal Progress Report

#### Report of Assistant Director - Planning and Development

This report is public

#### Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

#### 1.0 Recommendations

To note the position on planning appeals contained within the report.

#### 2.0 Introduction

This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

#### 3.0 Report Details

##### 3.1 New Appeals

##### a) 22/02022/HPA – 59 Hazel Crescent, Kidlington

Householder Prior Approval Application for 'Ground floor rear extension with flat roof height to eaves 3m, overall height 3m, length 6m.

Officer recommendation: Refusal (Delegated)

Method of determination: Householder (Fast Track)

Start Date: 14.12.2022

Appeal reference: 22/00052/REF

##### 3.2 New Enforcement Appeals

None

### 3.3 Appeals in Progress

**a) 22/01404/F – 83 Mold Crescent, Banbury**

Full planning application for single storey rear extension and part double storey rear extension

Officer recommendation: Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 17.11.2022  
Appeal reference: 22/00049/REF

**b) 22/01088/F – 2A Strawberry Hill, Bloxham**

Full planning application for single storey front porch extension and incorporation of garage to provide a utility room and study

Officer recommendation: Refusal (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 17.11.2022  
Appeal reference: 22/00048/REF

**c) 21/03177/F – Land West of Howes Lane, Bicester**

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)  
Method of determination: Hearing  
Hearing Date: Tuesday 17<sup>th</sup> January 2023  
Hearing Venue: Council Chamber, Bodicote House  
Start Date: 04.10.2022  
Statement due: 08.11.2022  
Appeal reference: 22/00045/REF

**d) 22/01585/F – 6 Willow Way, Banbury, OX16 9EY**

Change of use of grass verge/land within applicant's ownership to enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing.

Officer Recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 18.10.2022  
Final Comments Due: 06.12.2022  
Appeal reference: 22/00046/REF

**e) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington**

Material Change of Use of land to use as a residential caravan site for 12no. gypsy/ traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation: Refused (Committee)  
Method of determination: Hearing  
Hearing Date: Tuesday 22<sup>nd</sup> November 2022  
Hearing Venue: River Cherwell Meeting Room, Bodicote House  
Start Date: 08.10.2021  
Statement Due: 26.11.2021  
Appeal reference: 21/00033/REF

**f) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS**

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)  
Method of determination: Hearing – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
Appeal reference: 21/00037/REF

**g) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS**

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)  
Method of determination: Hearing – 18<sup>th</sup>/19<sup>th</sup> May 2022  
Start Date: 30.11.2021  
Statement due: 19.02.2022  
Appeal reference: 21/00036/REF

**h) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW**

Two storey rear/side extension and associated internal alterations

Officer recommendation: Refused (Delegated)  
Method of determination: Householder (Fast Track)  
Start Date: 20.04.2022  
Statement Due: N/A  
Appeal reference: 22/00020/REF



**i) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford**

Erection of dwelling, detached garage, widening of vehicular access and all associated works

Officer recommendation: Non-Determination  
Method of determination: Written Representations  
Start Date: 21.06.2022  
Statement due: 27.07.2022  
Appeal reference: 22/00034/NON

**j) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR**

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 10.08.2022  
Statement due: 14.09.2022  
Appeal reference: 22/00038/REF

**k) 21/03452/TEL56 – Street Record, Station Road, Kirtlington**

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 21.04.2022  
Statement Due: 26.05.2022  
Appeal reference: 22/00021/REF

**l) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris**

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)  
Method of determination: Written Representations  
Start Date: 02.09.2022  
Statement due: 07.10.2022  
Appeal reference: 22/00040/REF

**m) 22/00173/CLUP – 15 Arcott Road, Piddington, OX25 1PS**

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)  
Method of determination: Written Representations  
Start Date: 05.05.2022  
Statement Due: 16.06.2022  
Appeal reference: 22/00023/REF

**n) 22/00540/F – Land adjacent 58 Corncrake Way, Bicester, OX26 6UE**

Change of use of land to residential garden land in association with 58 Corncrake Way with the removal of some existing boundary fences and erection of new boundary fences.

Officer recommendation: Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 14.09.2022  
Statement due: 19.10.2022  
Appeal reference: 22/00043/REF

**o) 22/00985/TEL56 - Telecommunications Cabinet CWL 18533, Oxhey Hill, Cropredy**

Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works

Officer recommendation: Refusal (Delegated)  
Method of determination: Written Representations  
Start Date: 13.09.2022  
Statement due: 18.10.2022  
Appeal reference: 22/00042/REF

**3.4 Enforcement Appeals in Progress**

**a) 20/00236/ENF - Land Rear Of PO Merton Road And Adjoining No 2 Chapel Drive, Ambrosden, Bicester**

Method of determination: Written Representations  
Start Date: 13.09.2022  
Statement Due: 25.10.2022  
Appeal reference: 22/00043/ENF

**3.5 Forthcoming Public Inquires and Hearings between 8 December 2022 and 12 January 2023**

**a) 21/03177/F – Land West of Howes Lane, Bicester**

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)  
Method of determination: Hearing  
Hearing Date: Tuesday 17<sup>th</sup> January 2023  
Hearing Venue: Council Chamber, Bodicote House  
Appeal reference: 22/00045/REF

### **3.6 Appeal Results**

Inspectors appointed by the Secretary of State have issued the following decisions:

- a) **21/04211/F – The Planning Inspector dismissed the appeal by Mr Colin Smith, against Non-Determination of an application for a Two Storey Extension at 5 Milton Street, Banbury, OX16 9PL**

Method of determination: Written Representations  
Start Date: 12.09.2022  
Appeal reference: 22/00041/NON

The inspector identified the main issues as the effect of the proposal on the character and appearance of the host property and the Banbury Conservation Area (CA); and the effect of the proposed development upon the living conditions of the occupiers of No 4 and No 6 Milton Street with particular regard to outlook, daylight and sunlight.

The Inspector concluded that ‘The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

### **4.0 Conclusion and Reasons for Recommendations**

The report provides the current position on planning appeals which Members are invited to note

### **5.0 Consultation**

None.

### **6.0 Alternative Options and Reasons for Rejection**

None. The report is presented for information.

### **7.0 Implications**

#### **7.1 Financial and Resource Implications**

There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:  
Kimberley Digweed, Service Accountant  
kimberley.digweed@cherwell-dc.gov.uk

## 7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:

Shahin Ismail, Interim Deputy Monitoring Officer – [shahin.ismail@cherwell-dc.gov.uk](mailto:shahin.ismail@cherwell-dc.gov.uk)

## 7.3 Risk Implications

This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:

Celia Prado-Teeling, Performance Team Leader, 01295 221556  
[Celia.Prado-Teeling@Cherwell-dc.gov.uk](mailto:Celia.Prado-Teeling@Cherwell-dc.gov.uk)

## 7.4 Equality & Diversity Implications

This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:

Celia Prado-Teeling, Performance Team Leader, 01295 221556  
[Celia.Prado-Teeling@Cherwell-dc.gov.uk](mailto:Celia.Prado-Teeling@Cherwell-dc.gov.uk)

## 7.5 Decision Information

### Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

### Wards Affected

All

### Links to Corporate Plan and Policy Framework

Business Plan Priorities 2022-2023:

- Housing that meets your needs
- Supporting environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

**Lead Councillor**

Councillor Colin Clarke, Portfolio Holder for Planning

**Document Information**

None

**Background papers**

None

**Report Author and contact details**

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