

Case Officer: David Lowin

Applicant: Mr Richard Drew

Proposal: Proposed Bicester Health and Wellbeing Hub

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Sames, and Councillor Wing

Reason for Referral: Major development/Significant departure from adopted development plan or other CDC approved policies/strategies

Expiry Date: 31 January 2022

Committee Date: 10 February 2022

SUMMARY OF RECOMMENDATION: DELEGATED AUTHORITY TO GRANT PERMISSION SUBJECT TO: CONDITIONS; A S106 DEED OF VARIATION TO THE EXTANT S106 TO ADDRESS THE REVISED BIODIVERSITY MITIGATION; AND A NEW S106 LEGAL AGREEMENT TO PROVIDE AN INCREASED PUBLIC TRANSPORT CONTRIBUTION FOR THE ADDITIONAL PUBLIC TRANSPORT MOVEMENTS TO GRAVEN HILL GENERATED BY THE DEVELOPMENT HEREBY RECOMMENDED FOR APPROVAL

1. BACKGROUND

- 1.1. At the Planning Committee meeting in January, Members will recall resolving to afford delegated authority to the Assistant Director to grant planning permission for this development subject to conditions and subject to the prior completion of a new s106 legal agreement to provide an increased public transport contribution for the additional public transport movements to Graven Hill generated by the proposed new Health and Wellbeing Hub.
- 1.2. Whilst the Committee report correctly identified at paragraph 8.63 that to grant planning permission would also necessitate a s106 Deed of Variation to the extant s106 to address necessary amendments to parts of the Masterplan and specific clauses of the existing agreement, that requirement did not unfortunately carry through as it should have done to the final recommendation.
- 1.3. Accordingly, therefore, it is now necessary for completeness and to avoid any potential ambiguity that the recommendation be revised and returned to Committee for ratification.
- 1.4. The applicant's agent has confirmed agreement for this course of action and for a minor Deed of Variation to the extant s106 to be agreed.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application proposal has not been varied in any way and remains exactly as previously reported.

3. APPRAISAL

- 3.1. The relevant key issue that was previously reported at paragraph 8.63 of the January Committee report with reference to Planning Obligations associated with the Master Plan and Design Code is:

The Master Plan and Design Code

“8.63 The area proposed to be enhanced to deal with biodiversity net gain whilst part of the current application is located at some distance from the main health hub site, within an area of existing and proposed public open space and biodiversity enhancement as detailed in the adopted Master Plan for the overall Bicester 2 Graven Hill development. That area is subject to an extant S106 governing the provision and maintenance of that area for the benefit of current and future residents of Graven Hill. The proposed health hub provides for further improvement of that area to mitigate the loss of public open space at the Health Hub’s proposed site, and as a result the extant S106, requires a deed of variation to incorporate the proposed mitigation, to ensure delivery of that mitigation.”

4 PLANNING BALANCE AND CONCLUSION

- 4.1. As previously concluded, it is still the Officers view that despite the proposal not being entirely consistent with adopted Policy, the circumstances surrounding the application are such that the development is an acceptable proposal which is sustainable and in consequence satisfies the requirement of the planning system to contribute to the achievement of sustainable development.

5 RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- i. CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND**
- ii. A S106 DEED OF VARIATION TO THE EXTANT S106 TO ADDRESS THE REVISED BIODIVERSITY MITIGATION; 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 (AND ANY AMENDMENTS AS DEEMED NECESSARY):**

New S106 Heads of Terms

- A. £320,000 - Payment of a contribution to improve public transport (bus) provision to the site -**
- B. £TBC - Footway upgrade**
- C. £2,300 – OCC Travel Plan Monitoring Fee**
- D. £1,000 – CDC S106 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

- 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:

IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan
WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.
16470-WIE-100-74-XX-ZZ-110 Rev P01 – Biodiversity Net Gain Offset Plan
122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan
IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan
16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan
122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan
122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan
122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan
122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan
122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations
122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations
122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations
8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan
16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan
Design & Access Statement, March 2021
Planning Statement, April 2021
WSI for Archaeological Investigation, February 2021
Technical Note – Biodiversity Net Gain Assessment, April 2021
Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021
Ecological Impact Assessment, March 2021
Building Regs Part L Compliance Report, March 2021
Geotechnical Desk-Study Report – Part 1, February 2021
Geotechnical Desk-Study Report – Part 2, February 2021
Geotechnical Site Investigation Report, June 2021
Arboricultural Impact Assessment, April 2021
Arboricultural Survey Schedule, August 2020
Arboricultural Briefing Note, December 2021
Flood Risk Assessment & S/W Drainage Strategy, March 2021
Travel Plan, March 2021
Transport Assessment – Part 1, April 2021
Transport Assessment – Part 2, April 2021
Transport Assessment – Part 3, April 2021
Supplemental TRICS data for GP Surgeries with Pharmacies
Transport Tech. Note – Primary Health Care Hub proposals, July 2021

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 Samples of all the external materials to be used in the construction of the building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works. The development shall be carried out in accordance with the samples so approved.

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 [C18] of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

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

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to tackle any property fire in accordance with Government Guidance contained within the National Planning Policy Framework.

5. 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.

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. The existing hedge(s) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are

removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development 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

8. No development shall take place until the existing tree T13 to be retained on the south east boundary (shown on approved plan 16470-WIE-100-74-XX-ZZ-100 P03) has been protected in accordance with the approved Tree Protection Plan and Arboricultural Briefing Note dated December 2021 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. 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 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. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

9. The approved parking and turning/loading/unloading facilities (shown on approved plan IBI-XX-XX-PL-A-200-005 Rev18) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

Reason: In the interests of highway safety, to ensure the provision of adequate off-street car parking [and turning/loading/unloading] and to comply with Government guidance in Section 12 of the National Planning Policy Framework.

10. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the buildings/dwellings hereby approved.

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

11. 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.

12. No construction work including site clearance and delivery of materials 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 Saved Policy ENV1 of the Cherwell Local Plan 1996.

13. Prior to the first use of the business hereby approved, suitably located waste bins shall be provided outside the premises and retained for public use in accordance with details to be firstly submitted to an approved in writing by the Local Planning Authority.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/smoke/litter in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. 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.

15. The development hereby permitted shall be carried out in accordance with the recommendations set out in Written Scheme of Investigation of the Health Hub site by Waterman Infrastructure & Environment Ltd dated February 2021 unless otherwise agreed in writing by the Local Planning Authority.

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.

16. Within 6 months of the completion of the archaeological work in accordance with the written scheme of investigation approved pursuant to condition 15 above the applicant (or their agents or successors in title) shall submit to the local planning authority for its written approval an archaeological report comprising a post-excavation assessment and analysis, preparation of site archive and completion of an archive report together with details of the store at which this is to be deposited.

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).

17. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Ecological Impact Assessment by Waterman Infrastructure & Environment Ltd dated March 2021 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.

18. The development hereby permitted shall be constructed to BREEAM 'Excellent' standard.

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.

19. Prior to construction 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 Section 15 of the National Planning Policy Framework.

20. Prior to any occupation of the building it shall be provided with a minimum of 48 solar PV panels in accordance with the details set out in the Building Regs. Part L Compliance Report by McCann & Partners, dated March 2021, which demonstrates significant exceedance of the minimum Part L target values and shall be maintained thereafter unless otherwise approved in writing by the Local Planning Authority.

Reason: To support the delivery of renewable and low carbon energy in accordance with Government guidance contained within the National Planning Policy Framework and Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

21. The Health Hub building hereby permitted shall be used for medical or health services only (Use Class E(e)) and notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended including the update of 1

September 2020) for no other purpose falling within Class E unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the delivery and maintenance of medical and health services to Graven Hill residents and the surrounding Bicester population that it will serve.