

Case Officer: David Lowin

Applicant: Tritax Symmetry Oxford North Ltd & Siemens Healthineers

Proposal: Full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse

Ward: Launton and Otmoor

Councillors: Cllr Coton, Cllr Holland and Cllr Patrick

Reason for Referral: Major development

Expiry Date: 4 August 2022

Committee Date: 14 July 2022

**SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO
CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site extends to approximately 19.35 hectares and is located immediately to the north of M40 Junction 9. The main frontage extends along the A41 north towards Bicester. To the east of the A41 is the village of Wendlebury. Immediately to the northwest of the site is the hamlet of Little Chesterton. Bicester is approximately 2km north of the site.
- 1.2. The site is currently in agricultural use, with a number of buildings in agricultural or commercial use to the northeast of the site. The boundary of the site fronts the A41 and extends across several open fields that are currently in agricultural use. Generally, ground levels fall gently from north to southeast. The eastern extent of the site is defined by field boundaries and hedgerows, the Grange Farm Industrial Estate, and Lower Grange Farm. The industrial estate comprises a group of former agricultural type building and some later structures currently in use for employment purposes. The Wendlebury Brook defines the western edge of the site, flowing from north to south towards a small area of woodland, which is a designated ancient woodland, where its course then changes to flow east across the site, before passing under the A41 in culvert. The majority of the site is currently in Flood Zone 1 (the lowest risk of flooding). A very small proportion of the site is located within Flood Zone 2. The area affected follows the existing route of the Brook, which is proposed to be re-routed along the M40/A41 boundaries as part of the proposals.

- 1.3. Footpath 161/4/20 traverses the site and crosses the A41 to the village of Wendlebury. At present there are no formal crossing points for this PROW across the A41, but there is a pedestrian refuge area provided in the central reserve of the A41. The western boundary of the site is defined by the Wendlebury Brook. The proposed development is a production and research facility for medical equipment (MRI scanners) with ancillary buildings.

Local Context

- 1.4 The Site is located approximately 4 km south-west of Bicester, adjacent to the A41 and M40 at Junction 9. The A41 provides direct access to Bicester and the M40 provides access to London to the southeast and Birmingham to the northwest. The surrounding landscape is generally low-lying agricultural land, dissected by major vehicular corridors, each being lined with native mature tree and hedgerow cover, which restricts views towards the site. The site is served by the S5 Bus Route that provides:

- Four buses per hour Monday to Friday;
- Four buses per hour on Saturdays;
- Two buses per hour on Sundays;
- One service after midnight Monday-Thursdays and four on Fridays (midnight to 3am);
- Bus stops in close proximity to Bicester North Railway Station, which enables combined bus-rail trips;
- A journey time to Bicester of 10-15 minutes, and to Oxford between 25 and 30 minutes.

- 1.5 The site is well located with the National Cycle Network. Route 51 to the northwest is identified as a lightly trafficked route with good connectivity to Bicester.

- 1.6 There are several Grade II listed buildings within Wendlebury, including the Church of St Giles, on the southern side of the A41 to the south-east of the site. To the northeast of the site in Chesterton there are a number of Grade II listed buildings and two Grade II* listed buildings - the Manor Farm House and the Church of St Mary. The Alchester Roman Site Scheduled Monument is located 0.9 km to the northwest. The site is not considered to form a part of the setting of any of these heritage assets and makes no contribution to the significance of any designated heritage asset.

2. CONSTRAINTS

- 2.1. The application site is adjacent to, as described above, an area of Ancient Woodland on its western edge. The site is classified as agricultural land falling within grade 3b (Moderate Quality), with Grade 1 being the best within the Agricultural Land Classification. The nearby village of Wendlebury is subject to frequent flooding from the Wendlebury Brook which runs through the site

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development proposed is for a new high-quality combined research, development and production facility, to produce superconducting magnets for medical devices used in MRI systems. The building has two production halls and a spine, which serves the length of the production hall. From here goods loading, innovation centre, plant and personnel can serve both production spaces. A number of external buildings required to support the production process are situated on the northwest side of the facility.

3.2. The proposed facility, is to be built in two phases.

3.3. Phase 1 is:

- Clear production space for the manufacture of a new dry-magnet product;
- Other production including loading, workshops, welfare, staff changing and 3rd party suppliers' offices;
- New R&D offices and restaurant; and
- Site facilities e.g., waste, infrastructure, loading yards, roads & car parking plus landscaping.

Phase 2 will comprise production space only, which may include the manufacture of existing Siemens (SH) products which require external helium storage.

The development as a whole covers a total floorspace area of approximately 56,162sqm and consists of several distinct areas as follows:

- Single storey production space, delivered in 2 phases;
- Production ancillary spaces including workshops and office areas;
- Welfare facilities;
- Hard standings for external plant and parking;
- Loading bays and service yard;
- Landscaped carparking supporting a minimum of 474 parking spaces and external recreation space;
- Waste management space;
- Security gate house;
- Facilities Management Building (FMB); and
- Energy Centre.

3.4. The proposed main building's design comprises two parallel production areas comprising Phases 1 and 2, with adjoining office and reception areas, the building is rectangular in shape and is of a contemporary uncluttered design with significant areas of glass. The design of the building incorporates a parapet at 13m in height around the entirety of the building. The roof design incorporates a flat roof along the spine of the structure with additional areas of flat roof along the south-eastern and north-western elevations of the production facility, to accommodate plant provision (the maximum height of which will accommodate fall protection railing at 16.15m in height).

3.5. The entrance is proposed to be an open space with a triple height atrium, providing the reception with natural light. The reception space is proposed to be multifunctional, hosting a variety of functions including meet and greet, exhibition, informal meeting space, hot-desking and meeting pods.

3.6. Above the 3m glazed base, the office facade is divided into uniform 2m bands which alternate between solid metal facade and panoramic glazed windows. The half-height window approach creates a facade that is well proportioned and follows the same facade grid as the production building. The 2m glazed band reduces solar gain and creates a clean and uncluttered look from the exterior of the building as the spandrels are above desk level.

- 3.7. The spine building features some two facade design typologies, representative of the two sections of the building. The height, materials and proportions are identical, however the apertures in the facade reflect the occupancy and change of use inside the building. The goods section of the building follows the same typology as the production building, with horizontally laid trapezoidal cladding. However, there is the inclusion of a glazing band at first floor level.
- 3.8. The facade of the production building will be grey horizontally laid trapezoidal cladding, to match the colour of the office element cladding, above a three-metre glazed band. This will be consistent across phase 1 & 2. A parapet extends 1.1m above the roof pitch to conceal the plant and pitched roofline, creating a clean and ordered elevation.
- 3.9. The buildings are proposed to be delivered to 'net zero carbon in construction' to accord with the UK Green Building Council's definition, and the development will be constructed to BREEAM Excellent standard.
- 3.10. Each phase of the development will be provided with Photovoltaic Panel array of approximately 1,550sqm producing up to 380kW peak. Based on the use of high output Monocrystalline Solar Panels an array of 760kW peak times has a predicted energy output of 682,000kWhr/annum. It is intended that the full output of the photovoltaic panels array is utilised on site to maximise the Carbon reduction for the building. In addition, some 120 EV parking charging bays are to be provided.
- 3.11. Timescales for Delivery: The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing in late 2022/early 2023.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal.

5. PRE-APPLICATION DISCUSSIONS

The following pre-application discussions have taken place regarding this proposal. An application seeking planning advice with respect to an employment use of the present site was responded to by letter dated 15th January 2021. That communication, after reporting consultation responses from OCC and CDC officers dealing with drainage, planning policy, landscape and sustainability, recognised the opportunity to secure benefits for the local economy but cautioned that this preliminary advice required resolution of various technical considerations.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of site notices 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 **27 May 2022**.
- 6.2. The comments raised by third parties are summarised below:

7 letters of objection have been received and 11 letters of support have been received together with 5 letters of comment on the proposals.

The objections relate to:

- Concern expressed over scale and visual impact of proposal,

- Road safety, traffic generation and highway impact,
- Flooding, environmental damage
- Increased pollution
- Detrimental impact on Little Chesterton by reason of 24 hour working of site.
- Environmental concerns.

The letters of support highlight the following matters:

- Welcome signalisation of junction and improved safety of pedestrians and cyclists,
- Creation of employment in 'right place and career posts'
- Re-use of waste land regularly used for squatting caravans and fly tipping.
- Supportive of proposals to improve bus access

The letters of comment:

- Support for proposal but concern over highway impact and existing road infrastructure
- Traffic speeds on A41
- Concern over producing acceptable bus stop area for passengers crossing A41
- Concern over potential development of all quadrants of Junction 9 and adverse effect on Bicester Gateway

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

Weston-on-the-Green Parish Council: **Object** to the proposal by reason of it being contrary to the Development Plan, in particular Policy ESD 13 causing visual and actual intrusion into the open countryside. The development will have, by reason of traffic generation, a deleterious effect on the local road network for local village residents. The works proposed to the site both in terms of buildings and landscape. The impact of this in the existing rural environment will further compromise remaining natural habitats which are already affected by the major road structures e.g., animal trackways; light and air pollution affecting birds, bats, microhabitats for native plants (including wildflowers) and insects (including pollinators). The Parish are also concerned that the development will result in a deterioration in air quality and noise pollution from additional traffic, construction and service vehicles.

CONSULTEES

7.2. OCC HIGHWAYS: **No objections** subject to conditions in respect of the provision of the enhanced access to the site and associated highway works, including facilities for pedestrians, and cyclists and the requirement to enter into a S106 Agreement to secure highway and sustainable transport improvements as follows:

- The provision of a pedestrian cycleway from the site's access to the Vendee Drive Roundabout. The costs of which are currently under discussion. An update will be given prior to committee.

- Improvements to the bus services comprising an enhancement to the public transport service between Oxford and the development site to meet required shift times.
- The need for a Traffic Regulation Order (if not dealt with under S278/S38 agreement) to consult on the implementation of a new / extended speed restriction on the A41 between the M40 J9 and Vendee Drive junctions at a cost of £3320.
- A travel monitoring Plan to monitor the Travel Plan for a period of 5 years post occupation at an indexed cost of £1558
- Upgrades to surfaces of PROW serving the site £30,000 index linked.

Key Points:

- The County Council considers that the proposed development can and must be made accessible by sustainable transport modes.
- Contributions towards public transport enhancements and a new pedestrian and cycle connection are therefore sought, and positive discussions are continuing with the applicant in this respect.
- A set of appropriate conditions has been agreed in conjunction with the applicant and National Highways which appropriately address the transport impacts of the development proposals, as per National Highways response of 21 June 2022.
- A Travel Plan monitoring fee is required in order to ensure that the Travel Plan measures to promote the use of sustainable transport are fully implemented and that targets are met.
- The new site access junction will provide the benefit of a safe crossing point over the A41 for access to the pair of bus stops at the Wendlebury turning and for users of the Public Right of Way.
- The new access junction will also have the benefit of naturally reducing speeds on the A41. A TRO is required to formally lower the speed limit in both directions.

7.3 National Highways (NH) have lifted their initial 'Holding Direction' and have raised **no objections** subject to conditions, which have been agreed by the applicant.

7.4 Natural England (NE) have **no objection** to the proposals.

7.5 CPRE Oxfordshire have made several **observations** on the proposals, some of which are interpreted as **objections** and others as **comments**. The CPRE claim that the scale of development proposed would be contrary to Local Plan policy SLE1 and harmful to the rural landscape appearance of the locality. They claim it could also exacerbate traffic congestion at J9 of the M40. If permission is ultimately granted, CPRE would like to see biodiversity net gain increased from 6.71% to 10% to accord with policy ESD13 [actually ESD10] and more done to reduce reliance on the private car and maximise use of sustainable non-car transport modes.

7.6 Lead Local Flood Authority (LLFA). At the time of writing this report Officers had only received the initial comments of the LLFA, following that response the applicants produced further information and a re-consultation took place, and the result of that re-consultation is that **no objection** subject to conditions is raised.

7.7 OCC Archaeologist. **No objection** subject to recommended planning conditions to ensure the implementation of archaeological investigation to be maintained during the period of construction.

7.8 CDC Land Drainage. Following discussions with the applicant's Drainage Consultant a revised Flood Risk Assessment Version 5 dated 25/05/2022 has been issued. The CDC officer raises **no objection** to the applicants' proposals and notes that the detailed proposals incorporate not only storage of water and its controlled discharge into the Wendlebury Brook from the site but a significant level of additional storage providing betterment to alleviate, in part, the current issues with flooding in Wendlebury. The discharge itself will need to be the subject of a Land Drainage Act consent, to be issued by Cherwell as the Wendlebury Brook is an Ordinary Watercourse upstream of its crossing under the A41. A minor diversion of the watercourse is also proposed for which a Land Drainage Act consent will be required which will be considered in liaison with the Environment Agency as it will have ecological implications.

7.9 CDC Economic Development officer. **No Objection** and welcomes the positive proposal for the economy

- 1) The proposed development would contribute significantly to the local economy, providing a range of knowledge-intensive employment opportunities within a headquarters facility of an established, growing Oxfordshire employer.
- 2) Without a more suitable site being evident, the proposed location would be likely to serve the needs of both Siemens as an expanding business and the expanding resident population of Cherwell district.
- 3) The premises should seek to minimise the impact of both energy consumption and development within a rural area. Early on-site investment in technologies and design should be delivered to maximise the potential positive impact this development could have in drawing further science-led, knowledge-based investment into Bicester whilst minimising environmental impact.
- 4) Community Employment Plans should be prepared and implemented as soon as possible to prepare a 'pipeline' of talent to construct this valuable facility, and to operate within it over many years to come [officer note: recommended planning conditions encompass training and skill growth from this development

7.10 CDC Arboriculturist, **No Objection** subject to conditions.

7.11 CDC Environmental Health, **No Objection** subject to conditions.

7.12 CDC Ecologist **No Objection** subject to conditions. The necessary surveys for ecology have been carried out and a full assessment of impacts. Updated surveys may be necessary if two years elapses from the time of surveys until the start of construction or between phases.

The main ecological issue on site is the loss of habitats for the building footprint but an overall net gain for biodiversity in habitats is proposed of 7.3%. Whilst this falls short of the 10% minimum we seek; it is acceptable in policy terms subject to conditions.

7.13 CDC Planning Policy. **No Objection**. Key Policy Observations set out by CDC Policy team:

- The adopted 2015 Local Plan has an urban focus with the bulk of the District's strategic growth to 2031 directed to Banbury and Bicester.
- In the rural areas growth is limited and directed towards larger and more sustainable villages. Development in the open countryside is strictly controlled.
- A strategic objective of the adopted local plan (SO 1) is to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries.

- Paragraph B.30 of the plan explains that that the aim is to secure
 - business-friendly and well-functioning towns
 - an eco-innovation hub along the Oxford – Cambridge technology corridor
 - internationally connected and export driven economic growth
 - investment in people to grow skills and the local workforce
 - vibrant, creative and attractive market towns
 - family housing
 - measures to reclaim commuters where possible
 - measures to increase labour productivity
- Paragraph B.31 continues by outlining the type of employment development the District wants to attract, which includes:
 - advanced manufacturing/high performance engineering
 - the Green Economy of innovation, research and development
 - retailing
 - consumer services.
- Policy SLE1 helps to deliver the Plan's strategy for economic growth. In addition, a number of strategic employment sites are allocated for development at Banbury, Bicester and Kidlington.
- The application site is on an unallocated greenfield site in open countryside, with the nearest settlements being Little Chesterton, and Wendlebury, two Cat C villages, which are both in close proximity to Bicester and the A34 transport corridor.
- Policy SLE 1 states that in the rural areas employment development should be located within or on the edge of Category A villages (see Policy Villages 1) unless exceptional circumstances are demonstrated.
- The policy sets out a list of criteria for assessing new employment proposals within the rural areas on non-allocated sites. These include the applicant demonstrating why the development should be located in the rural areas on a non-allocated site; and those proposals should be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding area.
- Policy SLE 1 also requires the applicants to demonstrate a need for, and the benefits of, the employment development in the location proposed supported by an explanation of why the proposed development should not be located at the towns, close to the proposed labour supply.
- The application has provided significant supporting material, which includes an assessment of alternative, available sites which concludes that none are available.
- The application has also sought to demonstrate a need for, and benefits of, employment in the location proposed, including explaining the uses proposed, job creation, the locational requirements of the applicants and the role of this sector within the local, regional and national economy.
- Policy SLE 4 seeks to deliver key transport connections, supports a modal shift towards more sustainable modes of transport and supports employment growth in more sustainable locations.

- The proximity of the application site to Bicester and its location on a major strategic transport corridor provides an opportunity to meet employment needs, whilst facilitating modal shift, with a focus on reducing greenhouse gas emissions as encouraged by Policy SLE 4. The views of the Highway Authority should be sought for compliance with this policy, including to ensure that the proposals makes the most of opportunities in the area to provide public transport and safe walking and cycling to Bicester and nearby settlements.
- Policies ESD 1-5 provide a suite of policies related to sustainable construction and sustainable energy. The application includes a detailed sustainability statement, and this should be assessed to ensure that the requirements of the local plan policies are met.
- Saved Policy C8 of the 1996 Local Plan seeks to resist sporadic development in the open countryside including in the vicinity of motorway or major road junctions. The application is therefore contrary to this policy.
- In assessing the merits of this proposal consideration also needs to be given to Government advice in the NPPF.
- Paragraph 83 states that *'Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries, and for storage and distribution operations at a variety of scales and in suitably accessible locations'*.
- Paragraph 84 states that *'Planning policies and decisions should enable:*
 - a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.*
- Paragraph 85 states that *'Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- **In conclusion, this proposal for the relocation and expansion of a high-quality combined R&D and manufacturing facility to Cherwell District is strongly supported by the strategic objectives of the adopted Cherwell Local Plan.** The proposal is contrary to saved policy C8 of the 1996 Local Plan, however, the application has sought to demonstrate that this development meets Policy SLE1 criteria for employment on unallocated sites in the rural areas. This included an assessment of potential suitable, available alternative sites which concluded that none was available.

7.14. The application includes a Landscape visual impact appraisal which has undergone an audit by CDC's appointed landscape consultants who are satisfied with the submitted appraisal and the conclusions.

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 in the Executive summary. And for ease for readers again below:

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

Policy SLE1 - Employment Development

Policy SLE4 - Improved Transport and Connections

Policy ESD1 - Mitigating an Adapting to Climate Change

Policy ESD2 - Energy Hierarchy and Allowable Solutions

Policy ESD3 - Sustainable Construction

Policy ESD4 - Decentralised Energy Systems

Policy ESD5 - Renewable Energy Policy ESD6 - Sustainable Flood Risk Management

Policy ESD7 - Sustainable Drainage Systems

Policy ESD10 - Protection and Enhancement of Biodiversity and the Natural Environment

Policy ESD13 - Landscape Protection

Policy ESD15 - The Character of Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

Policy TR1 - Transport Policy TR10 - Heavy Goods Vehicles

Policy C8 - Sporadic Development in the Countryside

- 8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

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 impact
- Residential amenity
- Ecological impact
- Drainage
- Highways
- Environmental

Principle of Development

Policy Context

9.2 The policy context and a consideration of the proposal's compliance with the adopted Development plan policies and saved policies is also set out above in full from the Policy team in their consultation response.

Assessment

9.3 Policy SLE1 helps to deliver the Plan's strategy for economic growth and is considered to be the dominant or most important planning policy for the consideration of the merits of this proposal.

9.4 Policy SLE1 allows employment proposals within rural areas on non-allocated sites if they meet the following criteria. Where exceptional circumstances have been demonstrated:

- They will be outside of the Green Belt, unless very special circumstances can be demonstrated.
- Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site.
- They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings.
- They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment.
- The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance).
- The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car.
- There are no suitable available plots or premises within existing nearby employment sites in the rural areas.

9.5 As the application site is not allocated in the Cherwell Local Plan and is located within the countryside, the proposed development falls within the second part of Policy SLE1. Fundamental to the support for employment developments on non-allocated rural sites are the following:

- i. The need to demonstrate 'exceptional circumstances'.
- ii. The need to meet the criteria set out in Policy SLE1.

9.6 The first part of the policy test is to therefore demonstrate exceptional circumstances in order to justify new employment development on unallocated land. The applicant has provided information within the supporting planning statement that demonstrates how Siemens Heathineers has built up an established supply chain and skilled personnel to form a cluster within the cryogenics cluster. The proposed investment by Siemens Healthineers is of some £80m, with the provision of 1,345 jobs (a net increase of 1,126) within the highly specialised super conducting magnet technology sector. Further details on the wider socio-economic benefits to both the Cherwell and wider Oxfordshire economies that will arise from the proposals are contained in the Socio-Economic Impact Assessment that accompanied the application. The applicants have robustly demonstrated through a detailed site analysis that the proposal cannot be accommodated on any allocated or committed site for

employment land within or on the edge of Category A Villages or any other land within the existing main urban areas of the District. The socio-economic benefits from this investment, and crucially the lack of alternative allocated or committed sites to accommodate this investment amount to 'exceptional circumstances' which are compelling and satisfy the requirements of Policy SLE1.

9.7 The operation of Policy SLE1 now requires consideration of the proposed development against the 7 criteria set out within the policy. An assessment against these criteria is contained below.

- The site is not within the Green Belt. (Criterion 1).
- The applicant has considered alternative locations and Officers are satisfied that the assessment provides sufficient justification being located in the rural area. (Criterion 2).
- The design of the proposal is sustainable through achieving a BREEAM rating of excellent in the construction of the building and its commitment to providing Solar PV Panels. It benefits from good access to bus services along the A41 that will be improved through a S106 contribution. The scale of development respects the character of villages and the surroundings. (Criterion 3)
- The proposals will not have a significant adverse impact on the character or setting of Wendlebury or Little Chesterton or the surrounding environment. (Criterion 3 and 4)
- The highway impact is considered by both National Highways and OCC to be acceptable, and as a consequence compliant with saved policy TR1. The development will by reason of its three-shift operation, improvement to public transport, cycling and pedestrian facilities, and drainage be a sustainable development without undue detriment to residential amenity, the highway network, village character, setting and the appearance and character of the landscape and the environment. (Criterion 5).
- The proposal will not give rise to excessive or inappropriate traffic and will contribute to the general aim of reducing the need to travel recognising that the opportunity to maximise sustainable transport so options will vary between urban and rural areas (Framework, paragraph 105). (Criterion 6).
- The applicants have provided sufficient evidence that there are no suitable or available plots or premises within existing nearby employment sites in the rural area that could accommodate the proposed development. (Criterion 7).

9.8 The Policy team in considering the principle of the proposed development conclude that it does not fall contrary to the adopted Local Plan when the Plan is considered in its entirety and recommend approval.

9.9 In assessing the merits of this proposal consideration also needs to be given to Government advice in the NPPF. Paragraph 81 requires significant weight to be placed on local business needs and wider opportunities for development.

9.10 Consideration has been given to the provisions of Article 15 (2(b)) of the Development Management Procedure Order and whether the proposed development accords with its provisions of the development plan. Where a development is not considered to accord with the development plan the Council are required to publicise it with both a site notice and press notice as required by Article 15 (3). This provides an opportunity for the Secretary of State to call in the application.

9.11 Article 15 (2) refers to development that does not accord with the provisions of the Development Plan. The comments received from the planning policy team state that

the proposed development is contrary to policy C8 of the 1996 Local Plan but is not in conflict with the development plan when read a whole. A development proposal does not have to accord with each and every policy in a development plan to be said to be in accordance with the development plan see (Regina v Rochdale Metropolitan Borough Council, Ex Parte Milne 2000).

Conclusion

- 9.12 Officers conclude that the principle of development on this site is not contrary to the overarching employment location policy contained in the adopted Development Plan and other relevant policies as considered by the Policy Team, as set out above. The sole policy that has been identified as being not complied with by the proposal is saved policy C8 of the 1996 Local Plan. The applicant has demonstrated that this development meets Policy SLE1 criteria for employment on unallocated sites in the rural areas which is the dominant policy in the development plan for this development proposal and should be given substantial weight. This included an assessment of potential suitable, available alternative sites which concluded that none were available. Officers accept the robustness of this analysis and consider that the proposal complies with the Development Plan when considered as a whole. The other relevant saved policy TR1 relates to Transportation funding, the responses of National Highways and OCC transport are such that Officers have concluded that this Policy is also satisfied.
- 9.13 The Local Plan policy team in their response, set out above, have highlighted relevant policy and have noted that statutory consultees should be consulted on the details required to be satisfied to provide comfort that the development meets policy requirements. Those consultee responses are set out in an earlier section of this report and support the proposal and propose relevant conditions to allow the development to occur.

National Policy

- 9.14 Section 6 of the NPPF requires that Planning Authorities help to create conditions which build a strong, competitive economy. Paragraph 81 requires 'significant weight' to be placed on local business needs and wider opportunities for development. Paragraph 83 requires LPAs to recognise and address the specific locational requirements of different sectors. The submitted socio-economic impact material submitted by the applicant together with their consideration of alternative sites makes the case, which officers accept, for compliance with this paragraph. Similarly, the conclusion of officers that the proposed site and the building to be erected thereon are well designed and constitute sustainable development comply with paragraph 84(a). The succeeding paragraph (85) notes that sites in rural areas may be locationally ill served by public transport and improvements to the sustainability of a site will be necessary.

Assessment

- 9.15 Officers are, given the supportive views of the Highway Authorities (OCC & NH) content that the proposals accord with the relevant NPPF paragraphs.

Heritage Impact

- 9.16 The site is not within a Conservation Area. The archaeological and heritage assessment that accompanied the submission of the application concludes that based on the height of the proposed building, the upper part of the development will be slightly visible above the adjacent hedgerow from the grade II listed building Church of St Giles in Wendlebury. The imposition into the church's setting is assessed as resulting in a Minor Adverse, permanent, non-significant effect. In terms of NPPF guidance, this harm would be at the lower end of the spectrum of 'less than substantial

harm' and, in accordance with Paragraph 202 of NPPF, should be 'weighed against the public benefits of the proposal'.

- 9.17 The site is of potentially significant archaeological interest with potential to contain previously unrecorded archaeological remains. The County Council's Archaeology Unit is content with the proposals subject to the imposition of planning conditions to allow for implementation of archaeological investigation to be maintained during the period of construction.

Assessment

- 9.18 Officers are content that the heritage assets which may potentially form the archaeology of the site can be safeguarded by the imposition of recommended planning conditions. The benefits of the proposals including creation of jobs and financial investment in the local economy along with wider environmental benefits in terms of bio-diversity net gain, improvements to the local highway network and provision of a new footway/cycleway and flooding betterment to Wendlebury are public benefits that significantly outweigh the low level of the less than substantial harm caused to the Grade II Listed Church in Wendlebury.

Ecology Impact

Legislative context

- 9.19 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.
- 9.20 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.
- 9.21 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.
- 9.22 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:
- i. 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?
 - ii. That there is no satisfactory alternative.

- iii. 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.

9.23 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

9.24 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.

9.25 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.

9.26 Paragraph 183 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.

9.27 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.

9.28 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.

9.29 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.

9.30 The Planning Practice Guidance dated 2014 postdates 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

- 9.31 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').

- 9.32 The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains buildings, is close to a stream and there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.
- 9.33 The application is supported by a detailed protected species survey and survey of the ancient woodland which concluded that subject to the implementation of the mitigation measure outlined in the submitted ES, residual effects anticipated for important ecological features during the construction phase are not considered significant. The study also considered impacts on nearby Bowlers Copse a Cherwell District Wildlife Site. The impact on that Copse was mentioned in the BBOW response to the application, the status of that Copse is as a local wildlife site, of only local significance and Officers consider that the development's impact is not materially significant.
- 9.34 The ecological impact of the site with respect to biodiversity nett gain (BNG) is also a subject dealt with in the ES, the development shows a nett gain of some 7.3% using the appropriate calculation tool, however discussions continue with the applicant to raise this percentage figure - hopefully to or closer to 10%, in accordance with policy ESD10.
- 9.35 Officers are satisfied, on the basis of the advice from the Council's Ecologist, arboriculturist 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. The specialist officer's support for ecological impact material in the ES with appropriate conditions is accepted.
- 9.36 The Council as part of its corporate policy seeks to achieve a 10% BNG. However, whilst desirable the 10% net gain figure is not replicated in the adopted plan policy relevant to the subject site (ESD10) nor does the NPPF (paragraphs 174(d), 179(b) and 180(d)) require a specific gain, being content to encourage biodiversity improvements. The newly approved Environment Act provides for BNG of at least 10% and will be incorporated into planning law at section 90A within the Town and

Country Planning Act 1990(TCPA). However presently that amendment has not occurred and is not expected until 2023.

- 9.37 Officers are content that the applicants, using appropriate measurement tools have achieved a considerable level of BNG, and have complied with extant adopted planning policy and the relevant paragraphs in the NPPF. The CDC corporate policy of 10% nett gain is not achieved, however that policy is currently of lesser planning weight than the relevant adopted local plan policy, officers consider at this time it is not possible to insist on 10% BNG being applied to planning applications. As a consequence, Officers are of the view that the BNG requirements along with the protection of protected species is achieved. Nevertheless, discussions are continuing to raise the level of BNG at the site and these will be reported on prior to Committee's consideration.

Drainage

Policy Context

- 9.38 Policy ES10 of the adopted CLP requires that all development will be required to use sustainable drainage systems (SUDS) for the management of surface water run off. The policy requires that a site-specific flood risk assessment is produced. Such assessments are required to protect ground water quality. SUDS systems where possible should seek to reduce flood risk, reduce pollution, and provide landscape and wildlife benefits. SUDS schemes require the approval of the Lead Local Flood Authority (LLFA) and proposals must also include provision on future management, maintenance.

Assessment

- 9.39 The application has been submitted with a flood risk assessment which after discussion is considered acceptable by both the LLFA and CDC drainage Officer. The scheme produces sufficient storage capacity for surface water runoff on site by virtue of storage tanks under the proposed car park and a surface pond such that there is no increase in water discharge from the site as presently occurs. In addition, the storage capacity is proposed to be installed over the requirements of the proposal to limit run off to that which occurs from the current green field site but to introduce a greater storage capacity such that some of the persistent flooding in Wendlebury is alleviated by reducing the Wendlebury Brooks upstream flow.
- 9.40 Officers consider that the requirements of adopted policy ES10 are satisfied.

Highways

Policy context

- 9.41 Policy SLE 4: 'Improved Transport and Connections', of the CLP requires that new development provide financial and in kind contributions to mitigate transport impacts. The policy also seeks to facilitate sustainable modes of transport and reduce congestion.

Assessment

- 9.42 The submitted application has been the subject of detailed negotiation between the applicants, National Highways and OCC as Local Highway Authority. Both of those bodies are now satisfied that the proposal is acceptable in principle, subject to entering into a S106 agreement, the details of which are still under discussion to provide but are referenced below and in Appendix 1:

Public Transport Service contribution for the provision of:

An additional daily journey from Oxford to Bicester (currently service S5) at 05:30, and an additional Sunday and Public Holiday journey at 21:40 from Bicester to Oxford – these are timed to meet shift change over patterns and the service passes the development site. An additional daily journey from Carterton to Oxford (currently H2 route) at 04:30 and an additional daily journey from Oxford to Carterton at 22:30. This is taking account of the large cluster of employees currently living in the Witney / Eynsham area who would otherwise be required to drive to the site due to a lack of a suitable public transport connection between the site and those towns. Interchange between the H2 and S5 services can be made in Summertown, Oxford. Both improvements are for the applicants to fund for a period of five years - £134,375.

Pedestrian and Cycle connection to Bicester

Discussions are ongoing with the applicant with regards to the provision of a safe and suitable pedestrian / cycle route to the site from Bicester. Two options are currently being considered by the parties.

- The provision of a direct 3m wide shared route alongside the A41 between the site access and the Bicester Park and Ride. OCC could either deliver the route with funding secured through the S106, or the applicant could deliver the route via a S278 (secured through the S106) - circa £3m.
- Alternatively, the applicant could explore what measures / improvements could be made to Wendlebury Road to make that route safe and attractive for cycling between Bicester and the site. Measures could include a reduced speed limit, traffic calming, road surface treatments akin to a 'dutch-style' rural route. Officers consider any measures agreed upon for this route to be delivered by the developer through a S278 agreement and secured in the S106 – circa £1.5m.

An update on the progress of discussions on the matters set out above will be produced prior to the application being considered at Committee. However, the applicants have agreed to additional matters to be included in the S106 as follows:

- Traffic Reg Order (if not dealt with under S278/S38 agreement) To consult on the implementation of a new / extended speed restriction on the A41 between the M40 J9 and Vendee Drive junctions at a cost of £3,320.
- Travel monitoring Plan To monitor the Travel Plan for a period of 5 years post occupation at an indexed cost of £1,558
- Upgrades to surfaces of PROW serving the site £30,000 index linked.

A set of agreed and appropriate highway and sustainability conditions in conjunction with the applicant, National Highways and OCC are set out in recommended conditions later in this report, the Highway Authority and National Highways considers that the highways / traffic impact of the proposed development can be mitigated to an acceptable degree and that by providing for sustainable transport access, the development is not likely to lead to severe impacts on the local highway network or the Strategic network. The County Council considers that the mitigation package

outlined above aligns with policy SLE 4 of the Cherwell Local Plan. Officers are content that given the views of National Highways and the Highway Authority that the requirements of the relevant Development Plan policy are satisfied.

Environmental

Policy Context

- 9.43 Policy ESD 2 in the adopted CLP deals with 'Energy Hierarchy and Allowable solutions' in particular seeking within development carbon emissions reductions and promotes a hierarchy as follows:
- Reducing energy use, in particular by the use of sustainable design and construction measures.
 - Supplying energy efficiently and giving priority to decentralised energy supply.
 - Making use of renewable energy.
- 9.44 In addition, Policy ESD3 seeks all new non-residential development to meet at least BREEAM 'very good'.
- 9.45 Policy ESD 15 requires new development to produce high standards of design and protect heritage assets, designated or non-designated, together with the amenity of existing development. The policy requires that the design of new development be informed by an analysis of the development's context
- 9.46 The response to the application by CDC environmental health team notes that the scheme is acceptable subject to conditions controlling land contamination which are set out in the recommended conditions. The EHO's team are satisfied with the lighting proposals and a condition requiring a lighting scheme to be submitted is proposed. The EHO's response also confirmed the findings of the submitted ES that there was no material detriment to amenity by reason of land contamination, though a condition is recommended to ensure a precautionary approach is taken. The advice of the EHO having considered the submitted ES was that there was no objection on grounds of noise or vibration.
- 9.47 The response of the applicants to the requirements of Policy ESD 3 is that the scheme will be constructed to BREEAM excellent standard, complying with that policy.
- 9.48 The scheme is proposed, as set out above, to have photovoltaic cells for the generation of electrical power.
- 9.49 The scheme does not affect any designated or non-designated Heritage asset, and the response of the Archaeology Officer is positive providing, subject to detailed conditions dealing with excavation and recording being imposed. The suggested conditions reflect this requirement.

Assessment

- 9.50 Officers consider that the scheme as presented satisfies the requirements of relevant environmental policy contained in the CLP. The building design has been produced both to satisfy functional requirements as set out in the design and access statement, but also having regard to its context. The scheme is not materially detrimental to the amenity of the area, or any heritage asset. The scheme's building will be of BREEAM Excellent standard and will embody sustainable elements to reduce carbon usage.

Officer consideration of Objections

- 9.51 The Weston on the Green Parish Council and the CPRE consider the proposal to be contrary to the adopted Development Plan, in particular Policy ESD 13 which deals with Local Landscape Protection and enhancement. They also are concerned at the deleterious impact on the local highway network, the natural habitat, air quality and the production of unacceptable noise pollution. The claim that the scheme is contrary to development policy is discussed in detail within the Officers assessment. The concerns raised about Landscape protection and enhancement are considered by Officers not to be so significant as to overturn the position that the scheme is consistent with the adopted policies of the Plan when taken as a whole. The audit of the LVIA submitted by the applicants demonstrates no undue impact causing harm, and given its location adjoining the strategic road network, and a considerable level of existing enclosure by tree and hedgerow boundaries the tranquillity of the site will be made no worse. The Heritage impact identified on the setting of the nearby grade II church is considered acceptable when weighted against the public benefits. Archaeology is considered acceptable as is the effect on air quality and noise generation.
- 9.52 In addition, local third-party concerns relate to increased flooding resulting from the development, the impact on Little Chesterton and environmental damage.
- 9.53 Officers have carefully considered these matters and note that the Highway Authority's support, with appropriate planning conditions being imposed and planning obligations being entered into, the proposal is judged to be acceptable. Similarly, the drainage proposals for the site are supported by both the LLFA and CDC'S drainage officer subject to appropriate recommended conditions and offer betterment to an existing flooding issue outside the site.
- 9.54 The impact on the Natural Habitat is judged acceptable by CDC's ecologist subject to planning conditions and the environmental health impacts are also considered acceptable by CDC's Environmental Health Officers, who consider that any effects that may occur by reason of noise or air quality are also with appropriate conditions acceptable.
- 9.55 The objections by BBOWT and CPRE; CDC's ecologist is content to advise that the scheme as submitted as it relates to ecology and bio-diversity issues is satisfactory and, on that basis, Officers are content with the impact of scheme which demonstrates positive BNG and a scheme endorsed by CDC's arboriculturist to protect the small area of ancient woodland at the edge of the site, subject to appropriate conditions.
- 9.56 Finally, an objection has been raised by Thames Valley Police (TVP) The applicants as a result of this response have submitted a report which deals with the majority of their concerns, the desire of TVP to have a boundary fence has been resisted by the applicants by reason that the car park is solely accessed via a permanently manned security checkpoint, and the area is monitored by CCTV. They consider, as do Officers that the erection of a security fence given that the area will be monitored on a 24-hour basis is unnecessary. Officers consider that the applicant's response to TVP is satisfactory, and the installation of a security fence would introduce a discordant and unnecessary feature into the area adversely affecting the setting of the proposed modern building and its landscaped grounds.

10. PLANNING BALANCE AND CONCLUSION

- 10.1 Overall, the submitted scheme is considered to be compliant with the Development Plan apart from saved policy (C8 sporadic development in the countryside), where the strength of that policy as it applies to the location of this development is overtaken by the arguments put forward by the applicants and accepted by officers and the weight to be accorded to the remaining more recent policies of the adopted plan.
- 10.2 Policy C8 states that: *“Sporadic development in the countryside must be resisted if its attractive, open, rural character is to be maintained.*
- 10.3 *Policy C8 will apply to all new development proposals beyond the built-up limits of settlements including areas in the vicinity of motorway or major road developments but will be reasonably applied to accommodate the needs of agriculture. There is increasing pressure for development in the open countryside particularly in the vicinity of motorway junctions. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury or Bicester.”*
- 10.4 This policy remains valid though aged and now has reduced weight by way of the more up to date 2015 Local Plan policy SLE1 and the NPPF (particularly paragraphs 81 to 85) which demonstrate considerable support for proposals which address specific requirements of different sectors, and ‘significant weight should be placed on the need to support economic growth’.
- 10.5 Updated Policy SLE1 of the 2015 Adopted Local Plan states:

“Policy SLE 1: Employment Development Employment development on new sites allocated in this Plan will be the type of employment development specified within each site policy in Section C ‘Policies for Cherwell’s Places’. Other types of employment development (B Use class) will be considered in conjunction with the use(s) set out if it makes the site viable.

In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met:

- the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term;*
- the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable;*
- the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment.*

Regard will be had to whether the location and nature of the present employment activity has an unacceptable adverse impact upon adjacent residential uses.

Regard will be had to whether the applicant can demonstrate that there are other planning objectives that would outweigh the value of retaining the site in an employment use.

Employment development will be focused on existing employment sites. On existing operational or vacant employment sites at Banbury, Bicester, Kidlington and in the rural areas employment development, including intensification, will be permitted subject to compliance with other policies in the Plan and other material considerations. New dwellings will not be permitted within employment sites except where this is in accordance with specific site proposals set out in this Local Plan.

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.*

Unless exceptional circumstances are demonstrated, employment development in the rural areas should be located within or on the edge of those villages in Category A (see Policy Villages 1).

New employment proposals within rural areas on non-allocated sites will be supported if they meet the following criteria:

- *They will be outside of the Green Belt, unless very special circumstances can be demonstrated.*
- *Sufficient justification is provided to demonstrate why the development should be located in the rural area on a non-allocated site;*
- *They will be designed to very high standards using sustainable construction, and be of an appropriate scale and respect the character of villages and the surroundings.*
- *They will be small scale unless it can be demonstrated that there will be no significant adverse impacts on the character of a village or surrounding environment;*
- *The proposal and any associated employment activities can be carried out without undue detriment to residential amenity, the highway network, village character and its setting, the appearance and character of the landscape and the environment generally including on any designated buildings or features (or on any non-designated buildings or features of local importance);*
- *The proposal will not give rise to excessive or inappropriate traffic and will wherever possible contribute to the general aim of reducing the need to travel by private car;*
- *There are no suitable available plots or premises within existing nearby employment sites in the rural areas.*

The Local Plan has an urban focus. With the potential for increased travel by private car by workers and other environmental impacts, justification for employment development on new sites in the rural areas will need to be provided. This should include an applicant demonstrating a need for and benefits of employment in the particular location proposed and explaining why the proposed development should not be located at the towns, close to the proposed labour supply.

Monitoring and review will be undertaken regularly.

Extensions to existing employment sites will be considered in the Local Plan Part 2."

10.6 Whereas the 1996 Local Plan policy generally resisted employment development outside of settlements in the open countryside, the more up-to-date adopted 2015 Local Plan policy prepared in the context of the national planning policy provided by the Framework, permits employment developments in rural, open countryside locations provided exceptional circumstances have been demonstrated, and the proposal satisfies the seven criteria. This proposal has been specifically designed to meet the operational needs of Siemens Healthineers. A planning obligation will ensure that the development is first occupied by Siemens Healthineers.

10.7 The applicant has selected this site to meet their expansion needs recognising that:

- the application site is located within a relatively short distance of the centre of Bicester (the District's principal growth location), and around a mile from its western edge;

- is readily accessed from the strategic highway network (the M40 and A41, from which it takes access).
- the development will replace an existing hi-tech business located 12 miles to the southwest, in neighbouring West Oxfordshire, where the business has outgrown its site and they are urgently seeking to relocate to an accessible location where existing, and new employees can be bused to the new location.
- the new site would facilitate opportunities to double the size of the business and provide a sector leading production and research facility.
- the new site is served by good public transport links which are proposed to be improved and pedestrian and cycle connectivity can readily be improved to maximise use of non-car modes;
- development can be safely accessed.
- private residential amenities in nearby Chesterton, Little Chesterton and Wendlebury villages would not be harmed.
- the proposal is for a high-quality gateway design feature at the southern entrance to Bicester from the motorway;
- there are no substantive landscape, ecological or arboricultural constraints to developing the site; and
- substantive surface water drainage enhancements can be delivered that should significantly reduce the risk of flooding in Wendlebury.

10.8 As per Article 15 (2) of General Development Management Procedure Order although the proposal does not accord with policy C8, it does accord with the development plan when read as a whole. A development proposal does not have to accord with each and every policy in a development plan to be said to be in accordance with the development plan (see Regina v Rochdale Metropolitan Borough Council, Ex Parte Milne 2000). On this basis it is not considered that this application needs to be advertised as being a departure from the Local Plan.

10.9 The scheme is sustainable and is positive with respect to all three and interconnected parts of the definition of sustainability, namely:

- Economic,
- Social and
- Environmental

10.10 The submitted material dealing with the social and economic aspects of the scheme's impact have been submitted by the applicants in support of the proposal, the positive nature of that report and the impacts are supported by CDC's economic development officer. Paragraph 81 of the NPPF requires significant weight to be placed on supporting economic growth and productivity, taking into account both local business needs and wider opportunities for development in making decisions.

10.11 The scheme will not materially affect adversely any local residential development, by reason of light, odour or noise, this position is confirmed by CDC's environmental health officer who considers following an examination of the submitted ES that the scheme can be controlled by the imposition of appropriate conditions relevant for both the construction and operational phases of the scheme.

10.12 The environmental impact aspects of the scheme, transportation, ecological, biodiversity landscape and drainage are all considered to be acceptable to statutory

consultees, subject to the imposition of controlling planning conditions and planning obligations secured through a s106 agreement to offset those impacts.

10.13 The public benefits to the economic objective of sustainable development which will be secured by this proposal significantly outweigh the low level of less than substantial harm which has been identified to the significance of the Church of St Giles at Wendlebury, a Grade II Listed Building.

10.14 In addition, the implementation of the scheme will provide materially significant level of bio-diversity to the current use, considerable additional highway improvements to reduce traffic speeds on the section of the A41 from junction 9 to the Vendee Drive junction, will deliver further s106 community and sustainable transport infrastructure contributions and produce a significant betterment to the flow levels of the Wendlebury Brook, to assist in alleviating periodic flooding by that watercourse in the village.

11. RECOMMENDATION

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

(i) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY); AND

(ii) 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 INFRASTRUCTURE SET OUT IN APPENDIX 1 (AND ANY AMENDMENTS TO THOSE OBLIGATIONS 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:
 - Access Plan - Drawing 205223/PD09 Rev C
 - 13-222-SGP-STE-00-DR-A-131002 - Location Plan – Symmetry Park, Oxford North (Rev. P8)
 - 13-222-SGP-ZZ-ZZ-DR-A-131007 – Watercourse Diversion Planning Location Plan (Rev. P1)
 - 13-222-SGP-ZZ-ZZ-DR-A-131009- 01 – Location Plan
 - 13-222-SGP-ZZ-ZZ-DR-A-121404 – Energy Centre Proposed Plan & Elevations (Rev. A)
 - 13-222-SGP-ZZ-ZZ-DR-A-131000 - Site Plan – Phase 1 (Rev. V)
 - 13-222-SGP-ZZ-ZZ-DR-A-131001 - Site Plan – Phase 2 (Rev. V)
 - 13-222-SGP-ZZ-ZZ-DR-A-131003 - External Furniture & Boundary Treatment Plan – Phase 2 (Rev. M)
 - 13-222-SGP-ZZ-ZZ-DR-A-131105 – Phase 1 – Production Area Layout (Rev.

F)

- 13-222-SGP-ZZ-ZZ-DR-A-131106 – Phase 1 & 2 – Office Layout (Rev. D)
- 13-222-SGP-ZZ-ZZ-DR-A-131107 – Phase 1 – Gross External Area Plans (Rev. C)
- 13-222-SGP-ZZ-ZZ-DR-A-131108 – Phase 1 - GIA Plans and Critical Dimensions (Rev. E)
- 13-222-SGP-ZZ-ZZ-DR-A-131109 – Phase 1 – Roof Plan (Rev. G)
- 13-222-SGP-ZZ-ZZ-DR-A-131110 – Phase 2- Production Area Layout Rev. E)
- 13-222-SGP-ZZ-ZZ-DR-A-131112 – Phase 2 – Gross External Area Plans (Rev. C)
- 13-222-SGP-ZZ-ZZ-DR-A-131113 – Phase 2 – GIA Plans & Critical Dimensions (Rev. D)
- 13-222-SGP-ZZ-ZZ-DR-A-131114 – Phase 2 – Roof Plan (Rev. H)
- 13-222-SGP-ZZ-ZZ-DR-A-131115 - Phase 1 & 2 – Facilities Management Building (Rev. D)
- 13-222-SGP-ZZ-ZZ-DR-A-131116 - Phase 1 & 2 – Gatehouse (Rev. B)
- 13-222-SGP-ZZ-ZZ-DR-A-131200 – Phase 1 – Production Area Sections (Rev. D)
- 13-222-SGP-ZZ-ZZ-DR-A-131201 – Phase 1 & 2 – Office Sections (Rev. C)
- 13-222-SGP-ZZ-ZZ-DR-A-131202 – Phase 2 - Production Area Sections (Rev. D)
- 13-222-SGP-ZZ-ZZ-DR-A-131204 – Phase 1 & 2 - Atrium Sections (Rev. E)
- 13-222-SGP-ZZ-ZZ-DR-A-131300 – Phase 1 – Elevations (Rev. E)
- 13-222-SGP-ZZ-ZZ-DR-A-131303 – Phase 2 – Elevations (Rev. E)
- 13-222-SGP-ZZ-ZZ-DR-A-131307 – Elevation Visuals
- Drainage Layout Drawing No. T/20/2407 Rev P5
- Water Course Sections T-212407 60-04 Rev P3
- Flood Risk Assessment ES Appendix 11.1 FRA V1.5
- Impermeable Areas Plan Drg 51 02 p1 (Dwg. No. T/20/2407 51-02 Rev P1)

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 with the National Planning Policy Framework.

3. The building hereby approved shall be constructed to BREEAM Excellent Standard or requirement thereof.

Reason: To ensure sustainable construction and to reduce carbon emissions in accordance with Policies ESD1-5 of the Cherwell Local Plan and Government guidance within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping (EDP. Drawing no. EDP2425_d017b) 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 operation of the service yard, 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 ESD 15 of the Cherwell Local Plan 2011-2031, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

5. The Delivery and Servicing Plan (January 2022, included as Appendix T of Vectos Transport Assessment dated March 2022) shall be implemented in perpetuity for the operation of the development hereby approved. The Plan shall ensure the implementation of specific details on the routing of vehicles in order to ensure that larger service / delivery vehicles avoid inappropriate routes on the local road network, in order to mitigate the impact on the surrounding network.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. Shift change overs of Production Staff will avoid start and finish times during the peak highway network hours of 08:00 – 10:00 and 16:00 – 18:00, Monday-Friday in order to mitigate the impact of the development on the local highway network during peak network hours.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. No energy generating equipment shall be installed within the energy centre hereby approved until an updated air quality assessment and noise impact assessment has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity and to ensure the details are acceptable to the Local Planning Authority.

8. All plant, machinery and equipment to be used by reason of the granting of this permission including any sound attenuating structures, shall be so installed, maintained and operated so as to ensure that the rating noise level from the site does not exceed 42dB_LA_{eq} 5 min when measured at the boundary of any noise sensitive receptor. Measurement and rating of noise for the purposes of this condition shall be in accordance with BS4142:2014+A1:2019 Methods for rating and assessing industrial and commercial sound.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise and to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. Surface Water Discharge from the development site shall be limited to 80% of QBAR rate up to the 1% AEP event plus an allowance of 40% for climate change (a discharge limit of 18.0 l/s).

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

PRE-COMMENCEMENT CONDITIONS

10. No development of any phase shall take place, including any works of demolition until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority for that phase. The CMP shall be appropriately titled (site and planning permission number) and shall provide for as a minimum:
 - Routing of construction traffic and delivery vehicles including means of access into the site;
 - Details of any road closures needed during construction;
 - Details of any traffic management needed during construction;

- Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway;
- Measures to control the emission of dust and dirt during construction;
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions;
- The erection and maintenance of security hoarding / scaffolding if required;
- A regime to inspect and maintain all signing, barriers etc;
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided;
- Details of the loading and unloading of plant and materials and the use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc;
- Details of arrangements for site related vehicles (worker transport etc);
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc;
- A before-work commencement highway condition survey and agreement with a representative of the Highways Dept – contact 0845 310 1111. Final correspondence is required to be submitted;
- Any temporary access arrangements;
- Delivery, demolition and construction working hours;
- Storage of plant and materials used in constructing the development;
- A scheme for recycling/ disposing of waste resulting from demolition and construction works.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

Reason: In the interests of highway safety and to ensure that the environment is protected during construction in accordance with 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.

11. No development shall take place (including demolition, ground works, vegetation clearance) on any phase until a Landscape and Ecological Management Plan (LEMP) for the development site has been submitted to and approved in writing by the Local Planning Authority for that phase. The LEMP will set out in detail the measures to be implemented to ensure the successful establishment/installation of new habitats/features and the long-term maintenance and management of both existing and new habitats/features proposed as part of the soft landscape scheme.

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.

12. 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.

13. No development shall take place until, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, 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 risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. No development shall take place until a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

18. Following the approval of the Written Scheme of Investigation referred to in Condition 17, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a 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 (2021).

19. No development shall take place until, notwithstanding the details included in Woodland Management Plan EDP2425 R018-b (June 2022), an updated Woodland Management Plan to include a full management and replanting strategy for the ancient woodland has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the ancient woodlands longevity, and unique habitat is secured.

20. No development shall commence until a construction phasing plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into

this proposal and maintained thereafter.

21. No development shall commence until a Sustainable Surface Water Management Strategy compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire” shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

22. No development shall commence until a Flood Exceedance Conveyance Plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

23. No development shall commence until results from comprehensive infiltration testing across the site to BRE DG 365 standard have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

24. No development shall commence until detailed design drainage layout drawings of the SuDS proposals including cross-section details have been submitted to and approved in writing by the Local Planning Authority. The approved Drainage details shall be fully implemented prior to first occupation of each phase of the development.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

25. No development shall commence until details of how water quality will be managed during construction and post development in perpetuity have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

26. No development shall commence until details of any consents for any connections into third party drainage systems have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

PRIOR TO THE CONSTRUCTION OF WORKS ABOVE GROUND LEVEL

27. No development above ground level shall take place until a strategy has been submitted to and agreed in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided during the construction phase. Prior to the first occupation and prior to the occupation of any subsequent occupiers of the building, a further strategy shall be submitted to and approved in writing by the Local Planning Authority which sets out how Apprenticeships and Training Opportunities will be encouraged to be provided by the occupiers of the unit. The strategies above shall include details of the number of apprenticeships and training posts, over what period of time they will be employed,

where the apprentices may be placed within the company and where apprentices will be taken from. The strategies shall be implemented in accordance with the approved details.

Reason: In the interests of ensuring appropriate and adequate apprenticeships are made available in accordance with policy BSC7 of the Cherwell Local Plan 2011-2031, the Council's SPD on Developer Contributions (2018) and Government guidance within the National Planning Policy Framework.

28. No development above ground level shall take place on any phase until a scheme for the installation of PV panels to achieve a total power output of at least 380kW_{peak} on each phase has been submitted to and approved in writing by the Local Planning Authority. The scheme for each phase shall be operational prior to the first occupation of that phase and be retained in accordance with the approved plans.

Reason: In the interests of sustainable development, and to comply with Policies ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

29. No development above ground level shall take place, notwithstanding the details included in the Biodiversity Impact Assessment Briefing Note EDP 2424 R017a, until an updated scheme has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the building.

Reason: To achieve a Net Gain in biodiversity, this information is required prior to commencement as it is fundamental to the acceptability of the proposals.

30. No development above ground level shall take place until details of all permeable paving have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

31. No development above ground level shall take place until a detailed SuDS maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter.

PRIOR TO OCCUPATION

32. Prior to the first occupation of each phase of the building hereby approved, a detailed scheme showing external illumination of that phase of building and its curtilage shall be submitted to and approved in writing by the LPA. The scheme shall be implemented as approved.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

33. Prior to the first occupation of the development car park facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). Thereafter, the car park facilities shall be permanently retained and maintained for the parking of vehicles in connection with the development.

Reason: In the interests of maintaining a well-functioning road network and in accordance with Policy SLE4, ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

34. Prior to the first occupation of the development covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 13-222-SGP-ZZ-ZZ-DR-A-131000 Rev V: Site Pan – Phase 1). Thereafter, the covered cycle parking facilities shall 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 Policy SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

35. Prior to first occupation of the development a Workplace Travel Plan prepared in accordance with the Framework Travel Plan (January 2022, included as Appendix S of Vectos Transport Assessment dated March 2022, to include implementation of working practices for office staff set out in 'Healthineers Way of Working' (December 2020) to achieve a broad 70/30 split of office/remote based working) will be submitted to and approved by the Local Planning Authority. The plan shall incorporate site specific details of the means of regulating the use of private cars related to the development in favour of other modes of transport and the means of implementation and methods of monitoring.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Policies SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

36. 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:

- a) As built plans (.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 accordance with section 21 of the Flood and Water Management Act 2010.

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

Appendix to follow