

# Land adjacent to Sub Station on Pingle Field, Priory Lane, Bicester

13/00566/F

**Ward:** Bicester Town

**District Councillor:** Cllrs Mrs Diana Edwards & Cllr D M Pickford

**Case Officer:** Rebecca Horley

**Recommendation:** Approval

**Applicant:** SSE Plc, Mr Chris Boden, 55 Vastern Road, Reading, Berks

**Application Description:** Construction of a new switch house, access road, compound extension, attenuation pond and associated landscaping

**Committee Referral:** Council's interest in the land

## 1. Site Description and Proposed Development

- 1.1 The site is approximately 0.27 hectares of mainly mown amenity grassland and planted and natural dense scrub located to the south of Bicester town centre. It is accessed from Priory Lane and located in Pingle Fields in Bicester. There are currently a number of transformers, switch houses and electrical apparatus located within an existing compound to the north of the site. There is a grasscrete access road around the western edge of the site linking Priory Lane with a gated access into the southern part of the compound. The access road is on land owned by the local authority.
- 1.2 Planning permission is sought to construct a new switch house extending the existing electrical compound to the south. The switch house is the principal element of the proposal and is required to house switch gear for the new 26MW waste burning generator at Ardley Quarry and future in-feeds from National Grid's East Claydon Sub-Station, necessary to ensure the current network is not overloaded. The building is of functional design of brick and tile similar to the existing facility and would require an extension to the enclosure which is identified by a 3m high palisade fence.
- 1.3 The site is noted as being constrained by its location within flood zones 2 and 3.

## 2. Application Publicity

- 2.1 The application has been advertised by way of site notices positioned on Pingle Drive and by the footpath at the end of Priory Lane. The final date for comment on this application was 13<sup>th</sup> June 2013. No comments have been received.

## 3. Consultations

- 3.1 **Bicester Town Council:** No objection.  
Any disruption to the surrounding playing fields should be made good.

### Cherwell District Council Consultees

- 3.2 **Recreation and Estates:** Comments awaited.

- 3.3 **Landscape Services:** No objection subject to a condition to ensure sound arboricultural methods are employed. In landscape impact terms, the screening proposed is the best that can be achieved due to underground cables.
- 3.4 **Ecologist:** No objection subject to conditions.  
The ecological assessment submitted is satisfactory and the recommendations look largely fine to condition as they are.

### **Oxfordshire County Council Consultees**

- 3.5 **Highways:** No objection.  
This site is served by a private road (Priory Lane) and is not proposing to alter the site's existing access arrangements. The proposed sub-station is only expected to be visited occasionally for maintenance and inspection. The extended area is to be provided with an associated parking area within the site. Taking the above into account, there is unlikely to be any highway safety implications from this development proposal.
- 3.6 **Archaeology:** No objection subject to conditions so that the applicant should be responsible for ensuring the implementation of an archaeological monitoring and recording action to be maintained during the period of construction.  
The site lies in an area of archaeological potential highlighted by a desk based assessment submitted with the application. A Roman settlement was excavated 168m to the south east of the proposal site (PRN 15867) and Saxon settlement evidence was recorded in the form of ditches and pits 186m to the north east of the site (PRN 17407). As well as this a number of medieval ditches were found immediately to the north east of the area during an archaeological evaluation (PRN 16990). Since the desk based assessment was produced an archaeological excavation has been undertaken on this medieval site which has recorded a number of medieval ditches likely to relate to agricultural activity. In addition a considerable quantity of Mesolithic flint tools has been recovered from natural hollows which are less than 100m from the proposal area. Further Mesolithic finds were recorded during an evaluation 400m south of the site (PRN 26128). This application therefore has the potential to impact on archaeological deposits related to the medieval use of the area as well as encounter further Mesolithic deposits.

### **Other consultees**

- 3.7 **Environment Agency:** No objection subject to conditions.

## **4. Relevant National and Local Policy and Guidance**

### **4.1 Development Plan Policy**

#### Adopted Cherwell Local Plan (Saved Policies)

C17 : The Urban Fringe  
C28: Design, layout etc standards

### **4.2 Other Material Policy and Guidance**

National Planning Policy Framework

## Cherwell Local Plan - Proposed Submission Draft (August 2012) and changes (March 2013)

The consultation to the draft Local Plan is now concluded. Although this plan does not have Development Plan status, it can be considered as a material planning consideration. The plan sets out the Council's strategy for the District to 2031. The policies listed below are considered to be material to this case and are not replicated by saved Development Plan policy:

ESD6: Sustainable Flood Risk Management

ESD13: Local Landscape Protection and Enhancement

ESD15: Green Boundaries to Growth

ESD16: The Character of the Built and Historic Environment

Policy Bicester 5: Strengthening Bicester Town Centre

The site is shown on the Proposals Map as a green buffer within the extended town centre boundary.

## **5. Appraisal**

5.1 The purpose of the planning system is to contribute to the achievement of sustainable development and the NPPF defines this as having 3 dimensions: economic, social and environmental. Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out of date, in order to reflect the thrust of the guidance for a *presumption in favour of sustainable development*, planning permission should be granted unless harm can be identified. As there are no development plan policies specifically relating to this proposal, the key interests are considered to be as follows:

- Visual amenity
- Access and highway safety
- Flooding
- Archaeology
- Ecology
- Neighbour amenity

### **Visual amenity**

5.2 The switch house building will be constructed of brickwork walls and concrete tiles which match those used on the adjacent existing building within the existing compound. The new building has had to be raised on a platform 1.8m above ground level to address the flood zone issue. The proposal also features a 3m high palisade fence which is an urban fence designed for high level security. However, despite the unit's elevated height and utilitarian design and the presence of this type of fencing, it is considered that the landscaping scheme will properly and adequately address any visual amenity issues in this urban fringe site.

5.3 Pingle Fields is a highly valued open amenity area and the footpaths linking the town to Bicester Village are well used. This site could potentially damage the visual amenities of this area which is identified as being part of the green buffer in the Proposed Submission Draft Local Plan. However, the closest main pedestrian public access route is to the west and approximately 45m from the site and this particular area is not the highest valued in terms of how it is used as it is largely inaccessible scrubland. In close consultation with Landscape Services, as the Council has an interest in the site, an acceptable scheme has been proposed as part of the application to soften the impact. The surrounding boundary fencing and building will be screened by mature

native hedgerows and there is the opportunity to extend the landscaping scheme outside the red line area if necessary.

### **Access and highway safety**

5.4 The main entry into the sub-station will continue to be through the existing gates served by a private road (Priory Lane) and onto the western elevation of the compound. It will only be visited occasionally for maintenance works or inspections and there is no access for members of the public. In consultation with the County Council, as Highway Authority, the access arrangement is considered acceptable as is the level of parking provision within the site. It is considered that there is unlikely to be any highway safety implications from this development proposal.

### **Flooding**

5.5 The site falls within flood zones 2 and 3 (at highest risk) but the Environment Agency has confirmed that the submitted flood risk assessment satisfactorily deals with the issue and that provided the necessary conditions are imposed then the risk is acceptable. The new substation building is classed as essential infrastructure and the technical solution is appropriate.

### **Archaeology**

5.6 The County Council has advised that this site lies in an area of archaeological potential which has been highlighted by the applicant's submitted report. To ensure that any impact on the archaeological deposits related to the medieval use of the area are minimised and reported and to discover if there are further Mesolithic deposits, standard archaeological conditions are recommended.

### **Ecology**

5.7 The Council's ecologist largely agrees with the findings of the survey work undertaken by the applicants specialist. The site is shown to be of relatively low ecological value but scattered trees and a stream bank offer potential habitat for the common species of reptiles and nesting birds, crayfish, water voles and otters. It is important that the timings of the works are co-ordinated to take into account nesting and breeding times and a buffer of 5m is retained along the edge of the stream.

### **Neighbour Amenity**

5.8 The proposal will be some 70m distance from the nearest neighbours who already have the existing facility sited closer. Any increase in traffic disturbance will be minimal. It is concluded that neighbour amenity will not be harmed.

### **Engagement**

5.9 With regard to the duty set out in paragraphs 186 and 187 of the National Planning Policy Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the approval of development that accords with sustainable development principles as set out in the NPPF.

## Conclusion

- 5.10 Having considered the issues arising, namely effect on the visual and neighbouring amenities, highway safety, flooding and ecology, it is considered that the site's use as an extension to the existing substation compound including the construction of an elevated switch house and to accommodate electrical equipment is acceptable and ought to be approved, subject to conditions.

## 6. Recommendation

**Approval**, subject to the following conditions:

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

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

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be retained for the use described and strictly in accordance with the following plans and documents: BS8110859\_SK03 Rev PA1; 102 Rev PA1; 01 Rev PA1, 02 Rev PA1 and 03 Rev PA1 submitted with the application.

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

3. The landscaping scheme shall be carried out strictly in accordance with the details shown on drawing no. BS8110859\_102 Rev PA1 unless otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

5. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

6. Prior to any demolition and the commencement of the development 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 and inspection of matters of archaeological importance on the site in accordance with Government guidance contained within the National Planning Policy Framework.

7. Prior to any demolition on the site and the commencement of the development and following the approval of the Written Scheme of Investigation referred to in condition 6, a staged programme of archaeological evaluation and 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.

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 National Planning Policy Framework.

8. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (v3, 16 April 2013, Ref. BS8110859/DB/LR/004) and the following mitigation measures detailed within the FRA:

1. Provision of fenced voids with ongoing maintenance so voids remain clear (Sections 5.2, 5.3, 5.4)
2. Provision of permeable compound fencing (Section 2.10)
3. Finished floor levels are set no lower than 67.04m above Ordnance Datum (AOD) plus 300mm. (Section 5.1)

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason – To ensure no loss of floodplain storage, to allow free flow of flood waters, to reduce the risk of flooding to the proposed infrastructure and to comply with Government guidance contained within the National Planning Policy Framework.

9. If during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a Method Statement as to how to deal with this contamination.

Reason - To ensure that the development complies with approved details in the interests of protection of Controlled Waters and to comply with Government guidance contained within the National Planning Policy Framework.

10. The development hereby approved shall be carried out strictly in accordance with the recommendations with regards to minimising the impact on the adjacent watercourse set out in page 11 of the Ecological Assessment submitted with the application, which was prepared by ADAS dated November 2012.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

11. No removal of hedgerows, trees or shrubs, shall take place between the 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. No works, digging or storage of materials shall take place within 5m of the watercourse bank.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to any other works commencing all clearance of ground vegetation shall be carried out methodically from one side of the site to the other at a time when reptiles are active (not winter).

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

## **PLANNING NOTE**

1. With regard to conditions 6 and 7, the applicant is advised to contact Richard Oram (Oxfordshire County Council Planning Archaeologist) on 01865 328944 or email Richard.oram@oxfordshire .gov.uk for assistance in outlining the procedures involved, providing a brief upon which a costed specification can be based, and providing a list of archaeological contractors working in the area.
2. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Byelaws 1981, the prior consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Bure Brook, designated a 'main river'.

## **STATEMENT OF ENGAGEMENT**

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.