

**Case Officer:** Bernadette Owens

**Applicant:** Tritax Symmetry (Bicester Reid) Ltd

**Proposal:** Full Planning Permission for 22,986sqm of logistics floor space within class B8 of the Town and Country Planning Use Classes Order 1987, including 1,399sqm ancillary Class E(g)(i) offices, comprising (i) Unit C1: 15,267sqm of Class B8 and 729sqm of ancillary Class E(g)(i) offices, (ii) Unit C2: 7,719sqm of Class B8 and 670sqm of ancillary Class E(g)(i) offices accessed from the existing Symmetry Park estate road; erection of security gatehouse (Unit C1 only), security fence, sprinkler tank and pump house; associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space (Units C1 and C2), 10m green corridor with 3m foot path and cycle link to wider Bicester 12, storm water drainage infrastructure and private sewage treatment plant

**Ward:** Bicester South And Ambrosden

**Councillors:** Cllr Cotter, Cllr Sames and Cllr Wing

**Reason for Referral:** Major development

**Expiry Date:** 4 August 2021

**Committee Date:** 17 June 2021

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

### **1. APPLICATION SITE AND LOCALITY**

- 1.1. The application site is located within the Symmetry Park commercial development site approximately 3.2km to the southeast of Bicester town centre and 0.5km north of the village of Ambrosden and sits immediately adjacent to the A41. The site currently stands in open countryside but forms part of the Bicester 12 South East Bicester strategic allocation for mixed use development within the Cherwell Local Plan 2011-2031.
- 1.2. The application site extends to 6.75 hectares and has frontage to the A41 along the whole of its southern boundary. Further to the west along the A41 is a pair of two storey semi-detached cottages, known as Wretchwick Farm Cottages, and approximately 400m to the north of the site is Little Wretchwick Farm and associated farm buildings. Open agricultural land currently lies to the north of the site although this will eventually come forward for development as part of the strategic allocation under Policy Bicester 12. To the south of the site on the opposite side of the A41 are two Grade II Listed Buildings and Graven Hill is situated to the southwest of the site.
- 1.3. Within the Symmetry Park development B8 buildings have been granted consent under planning permission ref. 16/00861/HYBRID (Units A1 and A2 occupied by Bentley Designs and Medline Services, respectively); planning permission 18/00091/F and 20/03404/F (Unit B to be occupied by Ocado); planning permission 19/00388/F (Unit C development not yet commenced) and a further B8

unit was also granted consent under planning permission 20/00530/F (Unit D to be occupied by DPD).

- 1.4. This application relates to the Unit C site which is the final development parcel within the Symmetry Park site.

## **2. CONSTRAINTS**

- 2.1. The application site lies within 2km of the Arcott Bridge Meadows SSSI and the Gavray Drive and Blackthorn Meadows Local Wildlife Sites are situated to the north of the site. There are a number of protected and notable species, including Great Crested Newts which have been identified within a 250m buffer of the site. There is a public right of way which runs outside the site along the western boundary. The deserted Wretchwick Medieval Settlement, a Scheduled Ancient Monument is located outside the application site but within the wider Bicester 12 strategic allocation.

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

- 3.1. The application seeks detailed planning consent for 22,986sqm of B8 logistics floorspace within two separate units (Unit C1 – 15,267sqm and Unit C2 – 7,719sqm) including 1,399sqm of ancillary office space (Unit C1 – 729sqm and Unit C2 – 670sqm), external service yard and lorry parking, car and cycle parking and associated landscaping.
- 3.2. Full planning permission has already been granted on the Unit C site (19/00388/F) for 29, 350sqm of logistic floorspace. Following approval of that application, a further application was submitted and approved on the adjacent Unit B site for the extension of the service yard to accommodate the specific requirements of the occupier, Ocado. This has resulted in the reduction in the size of the Unit C site so that the existing consent could not be implemented.
- 3.3. This current application therefore seeks consent for two smaller logistics units within the site with an altered layout to the approved scheme. The development also incorporates the footpath links and green corridor secured through the previous applications. Access is to be taken from the existing site access and estate roads.
- 3.4. A second application (21/01330/F) has also been submitted and is being considered concurrently for a second proposal on the same site, comprising a single logistics unit to maximise flexibility in bringing the site forward, allowing the applicant to respond to market need.

## **4. RELEVANT PLANNING HISTORY**

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

| <u>Application Ref.</u> | <u>Proposal</u>  | <u>Decision</u>   |
|-------------------------|--|---|
| 15/02316/OUT            | Outline - Proposed development of up to 69,677sqm (750,000 sq. feet) of logistics floorspace, within Class B8 of the Town and Country Planning Use Classes Order of 1987, with ancillary Class B1(A) Offices, together with associated site infrastructure including lorry parking, landscaping and sustainable drainage with details of means | Appeal lodged against non-determination but later withdrawn |

|                  |  |  |
|------------------|--|--|
|                  | of access included for approval.   |  |
| 16/00861/HYBR ID | HYBRID – full planning permission for 18,394 sqm of logistics floor space within Class B8, access to A41 and outline planning permission for up to 44,314 sqm of logistics floor space within B8.  | Application permitted  |
| 16/01268/OUT     | Outline application with all matters reserved apart from access for residential development including up to 1,500 dwellings, up to 7ha of employment land for B1 and/ or B8 uses, a local centre with retail and community use to include A1 and/ or A2 and/ or A3 and/ or A4 and/ or A5 and/ or D1 and/ or D2 and/ or B1, up to a 3 Form Entry Primary School, drainage works including engineering operations to re-profile the land and primary access points from the A41 and A4421, pedestrian and cycle access, circulation routes, related highway works; car parking; public open space and green infrastructure and sustainable drainage systems. | Committee resolution to grant planning permission. S106 negotiations on-going. |
| 18/00091/F       | 14,200 sqm of logistics floor space, within class B8, including ancillary class B1 (a) offices (929 sqm), erection of security gatehouse, security fence, sprinkler tank and pump house, with an access road and associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm water drainage infrastructure and private sewage treatment plant.   | Application permitted  |
| 19/00388/F       | Full Planning Permission for 29,350 sqm of logistics floor space, within class B8 of the Town and Country Planning Use Classes Order 1987, including ancillary class B1 (a) offices (1,688 sqm), erection of security gatehouse (26 sqm), security fence, sprinkler tank and pump house, accessed from the existing Symmetry Park estate road, associated site infrastructure including external service yard, lorry parking, landscaping, amenity open space including 10m green corridor with 3m foot path and cycle link to wider Bicester 12 and storm   | Application permitted  |

water drainage infrastructure and private sewage treatment plant.

20/00530/F Full planning application for 4,635sqm of logistics floor space, within Class B8, including ancillary Class B1 (a) office, (592sqm), a customer collection facility (112sqm), staff mess pod (142sqm), and associated infrastructure including external service yard, lorry, van and staff car parking, re-fuelling facility, fencing, landscaping, storm water drainage and private sewage treatment plant. Application permitted

20/03404/F 1. Alterations and enlargement of existing service yard to provide additional spaces for car and van parking, new access point to van parking and dispatch area, new access to staff parking area; 2. Built development, comprising building and plant, associated with the proposed occupation of Ocado comprising: Vehicle Maintenance Unit (VMU); Technical Services Block (TSB); Vehicle Inspection Hub (VIH); Comms Container (CCR); Sprinkler Tanks and Pump House; Vehicle wash (with underground waste water tank) and Van Fuel Station (with canopy over); smoking and vaping shelter; compaction area (with canopy over) and cycle store; 3. Site fencing enclosure with electricity supply substation; standby generator; enclosed storage units and Pallet Stack; 4. Realignment of existing cycle and footpath between A41 and Site boundary with Wretchwick Green, including landscaping; and 5. Minor realignment of existing storm water drains and installation of storm water attenuation tanks. Application permitted

## 5. PRE-APPLICATION DISCUSSIONS

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

### **21/00571/PREAPP**

5.2. This pre-application enquiry put forward the two alternative schemes which are now subject of the current applications, to replace the scheme permitted under planning permission ref. 19/00388/F (Unit C) with either one single unit or two smaller units.

5.3. Officers advised that both proposals could be supported.

## 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **27 May 2021**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties.

## 7. RESPONSE TO CONSULTATION

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

### PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. AMBROSDEN PARISH COUNCIL: **Comments made.** Conditions requested to limit working hours, restrict external lighting, control soil heaps and require wheel washing, and secure adequate tree planting

7.3. BLACKTHORN PARISH COUNCIL: **No objection.**

7.4. LANGFORD VILLAGE COMMUNITY ASSOCIATION: **No comments received.**

7.5. BICESTER TOWN COUNCIL: **No comments received.** Concerns were raised in response to the concurrent application 19/01330/F relating to the proximity to Wretchwick Cottages and requests that traffic routing is followed, and that appropriate wheel washing is in place.

### CONSULTEES

7.6. CDC ARBORICULTURE: **No comments received.**

7.7. CDC BUILDING CONTROL: **Comments made.** A full plans building regulation application will be required for the proposals.

7.8. CDC ECOLOGY: **No comments received.**

7.9. CDC ENVIRONMENTAL HEALTH: **No comments to make.** The EH officer has reviewed the information submitted to support the application and is satisfied with the content.

7.10. CDC LANDSCAPE SERVICES: **Comments made.** Further/alternative planting required to mitigate the impact of the development. Additional/revised information required in respect of landscape management.

7.11. OCC HIGHWAYS: **No objection** subject to conditions and S106 legal agreement.

7.12. OCC DRAINAGE: **No objection** subject to conditions.

7.13. OCC ARCHAEOLOGY: **No objection**

7.14. ENVIRONMENT AGENCY: **Comments awaited** (due by 4<sup>th</sup> June)

- 7.15. THAMES VALLEY POLICE: **No objection.**
- 7.16. THAMES WATER: THAMES WATER: **No objection** subject to conditions.
- 7.17. BICESTER BIKE USERS GROUP: **Objection.** There needs to be segregated walking and cycling along the A41 and access to the development by foot or cycle from the carriageway needs to be more direct.

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

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

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

- PSD1: Presumption in favour of sustainable development
- SLE1: Employment development
- SLE4: Improved transport and connections
- BSC2: Effective and efficient use of land
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy hierarchy and allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised energy systems
- ESD5: Renewable energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems
- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Bicester 12: South east Bicester
- INF1: Infrastructure

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

- C28 – Layout, design and external appearance of new development
- C31 – Compatibility of proposals
- TR10 – Heavy goods vehicles
- ENV1 – development likely to cause detrimental levels of pollution

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning Obligations SPD (February 2018)

## 9. APPRAISAL

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

- Environmental Impact Assessment
- Principle of development
- Design, Layout and Appearance
- Transport, Access and Highway Safety
- Impact on Neighbouring Amenity
- Landscaping
- Ecology
- Flood Risk and Drainage
- Energy Efficiency and Sustainability
- Planning Obligations

### Environmental Impact Assessment

- 9.2. The application is supported by an Environmental Statement (ES). The existing planning permissions for the site (16/00861/HYBRID and 19/00388/F) were also accompanied by an Environmental Statement.
- 9.3. The ES submitted to support this application has considered up to date environmental information, utilising the baseline 2016 HYBRID planning application and any changes to the baseline including the additional floor area created by the development at Unit D and the extension of the Unit B sites within the Symmetry Park development.
- 9.4. The scope of the submitted ES considers the following topics: Transport and Access; Air Quality; Noise and Vibration; Ecology; Flooding and the Water Environment; Socio Economics; Cultural Heritage; Ground Conditions and Geology; Climate Change; Human Health; Lighting, Waste and Landscape.
- 9.5. Having regard to the site's allocation for employment use, the nature and likely impacts of the proposed uses, and the site constraints, Officers are satisfied with the scope of the submitted ES. On this basis it is considered that sufficient information is before the Local Planning Authority in order to consider the environmental effects of the development and any mitigation required to make the development acceptable.
- 9.6. Regulation 26 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 requires that Local Authorities must examine the environmental information, reach a reasoned conclusion on the significant effects of the proposed development on the environment and integrate that conclusion into the decision as to whether to grant planning permission.
- 9.7. The PPG advises 'The Local Planning Authority should take into account the information in the Environmental Statement, the responses to consultation and any other relevant information when determining a planning application'. Proper consideration of these matters is integrated into the assessment of the application under the relevant sections below.

## Principle of Development

### *Policy Context*

- 9.8. The Development Plan for Cherwell District comprises the saved policies in the adopted Cherwell Local Plan 1996 and the adopted Cherwell Local Plan Part 1 2011-2031.
- 9.9. The adopted Cherwell Local Plan 2011-2031 includes strategic allocation Policy Bicester 12 (SE Bicester) which consists of 155 hectares of agricultural land. It identifies SE Bicester as a mixed-use site for employment and residential development of up to 1500 new homes and supporting infrastructure. This policy specifies that approximately 40 hectares shall be for employment use of which this application forms a part.
- 9.10. The Development Plan also includes a number of other relevant policies to this application, including those related to sustainable development, transport, flood risk and sustainable drainage, sustainable construction, ecology, landscape and visual impact, environment and design. These policies are all considered in more detail within the appraisal below.
- 9.11. The adopted Cherwell Local Plan 1996 includes a number of policies saved by the adopted Cherwell Local Plan 2011-2031, most of which relate to detailed matters such as design and layout. The policies of the adopted Cherwell Local Plan 1996 are considered in more detail in the appraisal below.

### *Assessment*

- 9.12. The principle of development on this site as set out in policy allocation Bicester 12 and has already been established by the granting of the outline and detailed planning permissions under the hybrid application (16/00861/HYBRID) and specifically the existing detailed planning permission for this site (Unit C – 19/00388/F) for B8 logistics development.
- 9.13. In addition, Policy Bicester 12 sets out a target to deliver approximately 3,000 jobs across 40ha of employment land. Whilst the policy refers to B1, B2 and B8 use, B8 is identified as the predominant use for delivering employment development in this location.
- 9.14. In considering the consented scheme (16/00861/HYBRID) for the Symmetry Park site, 2010 HCA job density figures were applied at 1 job per 70sqm equating to 930 jobs across the Symmetry Park site. This was considered acceptable at the time being approximately one third of the jobs delivered from one third of the Bicester 12 employment allocation. Planning permission was subsequently granted for 62,709sqm of employment development and applying the updated 2015 HCA density figures at 1 job per 77sqm, the baseline job creation from the Symmetry Park site would be 814 jobs.
- 9.15. Whilst the extension of the adjacent Unit B site has reduced the employment floorspace to be brought forward within the Unit C site from 29,350sqm to 22,986sqm (in the case of this dual unit scheme), information submitted with the extended Unit B application, based on the intensive operation of Ocado on that site, set out that forecast job number across the Unit B and Unit C sites would substantially exceed the policy requirement for the whole Symmetry Park development with Ocado creating 900 jobs on the Unit B site alone.



- 9.16. Whilst the current Unit C1 and Unit C2 scheme is speculative, it is forecast that some 298 warehouse jobs would be created as a result of the proposals with around 116 office staff, resulting in an overall provision of 414 jobs across the site.

#### *Conclusion*

- 9.17. The application site forms part of the Bicester 12 policy allocation where the principle of development is considered acceptable in accordance with the CLP 2031 Part 1.
- 9.18. The site has an important role to play in the delivery of new employment, to secure economic growth. The level of job creation as a result of the development proposed through this application, is consistent with the aspirations of policy Bicester 12 and will assist in delivering the local jobs and securing the economic future of the District in accordance with the CLP 2031 Part 1.

#### Design, Layout and Appearance

##### *Policy Context*

- 9.19. Policy Bicester 12 requires commercial buildings to have a high quality design and finish with careful consideration given to layout, architecture, materials and building heights to reduce the overall visual impact of development. A well designed approach to the urban edge is also required.
- 9.20. Policy ESD15 of the CLP 2031 Part 1 requires new development to respect its context and take the opportunities available to improve the character and appearance of the area and the way its functions. These development plan policies are consistent with national planning policy in the NPPF which places great weight on the importance of good design achieving sustainable development.

##### *Assessment*

- 9.21. The application proposals have evolved from the indicative masterplan layout and parameter plans which formed part of the Hybrid application, to respond to the market requirements for logistics floorspace. As such, the design for development on the site has moved away from some of the Hybrid proposals, this includes an increase in the height of the buildings, the orientation of the building, developable area and the design of the unit.
- 9.22. Notwithstanding this, the current detailed application broadly follows the design and external appearance of the previous Unit C (19/00388/F) scheme which is in keeping with the wider Symmetry Park development.
- 9.23. The proposed buildings would be constructed with a barrel vaulted roof to reduce the visual massing and finished with grey metal cladding to match the existing buildings with large sections of glazing to the north elevation. It is proposed that Unit C1 would be constructed to 18 metres (as per the approved Unit C scheme) and that Unit C2 would be constructed to 15 metres. This differentiation in height between the two buildings has the effect of breaking up the bulk of the built form at this location and provides a transition to the wider Wtetchwick Green development and the other smaller scale units within the Symmetry Park site.
- 9.24. Surface finishes within the development will also be in keeping with the existing Symmetry Park development.

- 9.25. Boundary fencing to the site is incorporated for site security utilising Paladin mesh fencing with galvanised steel posts to be coloured dark green to match the existing Symmetry Park development. The substantial existing hedgerows and mature trees already well established along the site boundaries will be retained and enhanced through further native structural planting and the existing bund to the southern boundary which has already been implemented prior to the development of this part of the site, provides landscaped screening which significantly reduces the visual impact of the building to the A41.

#### *Conclusion*

- 9.26. It is considered that the proposed development is acceptable in visual and design terms being typical of a development of this nature and consistent with the design of adjacent buildings within the wider Symmetry Park site. The substantial bunded landscaping to the south and further planting within the site will provide for adequate screening of the site to the A41 and surroundings so that there would be no adverse visual impact as a result of the proposals.
- 9.27. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

#### Transport, Access and Highway Safety

##### *Policy Context*

- 9.28. Policy SLE4 of the CLP 2031 Part 1 requires that new developments maximise opportunities for access to sustainable modes of travel and seeks improvements to the highway network to mitigate significant adverse impact of traffic generation resulting from new development.
- 9.29. Policy Bicester 12 of the CLP 2031 Part 1 requires that development is well integrated, with improved sustainable connections between the existing development and new development on the site. It requires that new footpaths and cycleways should be provided for that link to existing networks in the wider area.

##### *Assessment*

- 9.30. Access to the Symmetry Park site is from the A41 and the application site takes access from the existing estate road to staff car parking at the front of the building to the north and service yard to the eastern side of the building.
- 9.31. Car parking, including some electric vehicle charging points, is proposed to be provided in accordance with OCC car parking standards. Initially the design and layout of the scheme had led to an overprovision of parking by 18 spaces across the site. The applicant has now reviewed the proposals and a revised parking layout has been submitted which is now in full accordance with OCC car parking standards.
- 9.32. As part of the development of the Symmetry Park site, pedestrian and cycle access to the site is provided by way of the 3 metre wide shared footway/cyclepath which is situated within a 10 metre wide 'green corridor' and runs from the A41 between the Unit B and Unit C sites and connects with the wider Wretchwick Green development to the north. A further 'green corridor' link is also proposed along the north of the Unit C site providing further links to the Wretchwick Green development to the west and connecting with existing and proposed connections to the north and west.

- 9.33. Contributions have also been secured through the development of Symmetry Park for improvements to pedestrian and cycle facilities along the A41 contributing to the provision of safe pedestrian and cycle links to the site. Secure and covered cycle parking is proposed to be provided and would be conveniently located adjacent to the building entrance.
- 9.34. The site is served by frequent bus services and bus stops on the A41 which have been provided as part of the wider Symmetry Park development.
- 9.35. A Framework Travel Plan is already in place for the Symmetry Park site as a requirement of the outline planning consent. The targets and measures set out in that Framework Travel Plan will apply to the proposed development and an updated site specific Travel Plan will also be required to be agreed prior to the occupation of the development. This will be secured by condition. A Travel Plan Monitoring fee is also requested by OCC to be secured through a S106 legal agreement.
- 9.36. A Transport Statement has been submitted to support the application which is a reduction in scale to that approved under the extant consent (19/00388/F). Given the revised scale of development within the context of the extant consent, OCC as local highway authority has accepted that the generated development traffic impacts on the local highway and site access will be negligible.

#### *Conclusion*

- 9.37. The site is within a sustainable location within the Bicester 12 strategic policy allocation and is within easy reach of bus services and walking and cycling links which have been provided and improved as a result of the Symmetry Park development. The wider development of the adjacent Wretchwick Green site will further improve the connections to the site providing expanded links to wider Bicester.
- 9.38. The proposals are therefore in accordance with policies Bicester 12 and SLE4 of the CLP 2031 Part 1 in this regard.

#### Impact on Neighbouring Amenity

##### *Policy Context*

- 9.39. Policy Bicester 12 requires development to comply with policy ESD15 of the CLP 2031 Part 1. Policy ESD15 in turn, requires new development to consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.

##### *Assessment*

- 9.40. The extant planning approvals for the Symmetry Park development have already established that development as proposed is acceptable and would not adversely impact the amenity of neighbouring occupiers.
- 9.41. The closest existing residential properties to the application site are the pair of cottages to the west of the site and Little Wretchwick Farm is located approximately 400m to the north of the site. The site also adjoins the Wretchwick Green development site where the land use plan for the mixed-use development shows commercial development.

- 9.42. The landscaped bund to the southern boundary of the site with the A41 provides separation and substantial screening to the south eastern corner adjacent to the residential cottages. The proposed building Unit C1 has also been oriented and set away from the boundary to maximise the separation to the existing cottages. The buildings are also set off the boundary with the proposed residential development on the Wretchwick Green site which allows for further areas of substantial planting to reduce the visual impact to future residential occupiers.
- 9.43. The development of the site for two separate units has resulted in an altered orientation of the buildings so that service yard areas are not as well screened by the buildings as they would have been in the single unit scheme. This means that nuisance may occur from light and noise as a result of the operation of the service yard. A Noise Survey and Lighting Plan have been submitted to support the application these conclude that there would be no significant noise, vibration and lighting impacts when assessed against the baseline conditions. The Council's Environmental Protection officer has also reviewed the submitted information and is satisfied with its content and has no further comments to make.

#### *Conclusion*

- 9.44. Whilst there would be some impact to residential properties by virtue of the scale, form and type of development proposed, the site is within an area allocated for mixed-use development. Detailed proposals for the development of this part of the site have included substantial landscaping to reduce the visual impact of the development which has been implemented early to provide an established screen to the development of the site and to reduce the impact on neighbouring residential amenity. Conditions have been imposed on previous consents to ensure noise levels are restricted. These conditions will be re-imposed.
- 9.45. The proposals are therefore in accordance with policies Bicester 12 and ESD15 of the CLP 2031 Part 1 in this regard.

#### Landscaping

##### *Policy Context*

- 9.46. Policy ESD 13 of the CLP 2031 Part 1 requires development to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.
- 9.47. Policy ESD 15 of the CLP 2031 Part 1 requires development to contribute positively to an area's character and identity including respecting local topography and landscape features such as significant trees.

##### *Assessment*

- 9.48. The Environmental Statement submitted with the Hybrid application included a Landscape and Visual Impact Assessment which considered the effects of the proposed development on the landscape character of the area. A further ES was submitted with the previous application 19/00388/F and considered the increase in height of the building from the 15.5 metres set through the Hybrid consent and the 18 metres proposed. The ES concluded that there would be no additional significant visual effects as a result and officers were in agreement with that assessment.
- 9.49. To support the current application, the accompanying ES has also reviewed the baseline condition and character of the landscape. It concluded that, following the

completion of Units A1 and A2 and Unit B and the construction of the DPD parcel depot, when assessed against the current baseline conditions, the proposed Unit C would not be fundamentally altered

- 9.50. The substantial earth bunding to this part of the Symmetry Park site has already been carried out and forms a landscaped buffer along the southern boundary of the site with the A41 and to the western boundary adjacent to Wretchwick Cottages. The landscape buffer would remain robust to ensure that screening is provided so that the development would only be partially visible, in the long term.
- 9.51. The Council's landscape officer has made some detailed comments in relation to the need for additional landscape planting in certain locations, the need to replace some species for more appropriate types and on the landscape management for the site. These comments have been reviewed by the applicant and have been incorporated where possible to improve the landscape scheme within the application site.

#### *Conclusion*

- 9.52. Taking the supporting ES and Landscape Technical Note into account and the findings of the further review, it is considered that the landscape proposals already secured through the consented scheme(s) and the additional measures to be implemented as part of the current scheme would secure adequate landscape mitigation appropriate to the impact.
- 9.53. When assessed against the proposed changes to this part of the Symmetry Park development which fall outside of the parameters set at the outline stage, the development would not give rise to significant landscape and visual environmental impacts.
- 9.54. The proposals are therefore in accordance with policies Bicester 12, ESD13 and ESD15 of the CLP 2031 Part 1 in this regard.

#### Ecology

##### *Legislative context*

- 9.55. 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.
- 9.56. 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.
- 9.57. 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.

- 9.58. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
  - (2) That there is no satisfactory alternative.
  - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

#### *Policy Context*

- 9.60. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.61. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.62. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.63. 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.

- 9.64. 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.
- 9.65. Policy Bicester 12 of the CLP 2031 Part 1 requires adequate investigation of, protection of, and management of protected species on the wider site. The policy requires that biodiversity be preserved and enhanced.
- 9.66. 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.
- 9.67. The Planning Practice Guidance dated 2014 post dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

#### *Assessment*

- 9.68. 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')
- 9.69. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site is close to the River Ray and has a seasonably wet ditch running adjacent to the western boundary. There are a number of mature trees and hedgerows along the southern boundary of the site. The site therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts and invertebrates.
- 9.70. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be

included on the decision notice and is considered sufficient to address the risk of any residual harm.

- 9.71. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.72. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.73. The ES submitted with the Hybrid application included an ecological assessment of the site which found that the habitats within the site are of generally minimal ecological value reflecting its former agricultural use. This current application is supported by an ES and Ecology Technical Note which consider is the proposed development will have any significant impact on the retained ecological features within the site, not assessed in the Hybrid application.
- 9.74. An updated walk over survey was undertaken and it was found that habitats present remain of negligible ecological value and isolated from those habitats of higher value by wildlife fencing. In the absence of any protected species constraints on the site and in consideration of the mitigation and habitat enhancement already included in the development of the Symmetry Park site, the ES concludes that when assessed against the proposed changes that fall outside the parameters set at the outline stage, the development will not give rise to any significant ecological or environmental impacts.

#### *Conclusion*

- 9.75. Officers are satisfied, on the basis of the ES and Ecology Technical Note submitted with the application, 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.
- 9.76. Reasonable mitigation is proposed to protect and enhance habitats within the site to achieve biodiversity gain. The proposals are therefore considered to be in accordance with the requirements of policies Bicester 12 and ESD10 of the CLP 2031 Part 1 in this regard.

#### Flood Risk and Drainage

##### *Policy Context*

- 9.77. The NPPF states at paragraph 163 that *when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 165 also requires that *major developments should*



*incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*

- 9.78. Policies ESD 6 and ESD 7 of the CLP 2031 Part 1 together resist new development where it would increase flood risk or be unduly vulnerable to flooding. They also seek to ensure that the proposals incorporate sustainable drainage systems in order to prevent increased risk of flooding.

*Assessment*

- 9.79. The site lies within Flood Zone 1.
- 9.80. The ES submitted with the Hybrid application assessed the likely water resource impacts for the Symmetry Park development. The ES and Flood Risk Assessment submitted with this current application confirm that the findings of the FRA that accompanied the Hybrid application remains relevant. The ES also confirms that, when assessed against the proposed changes that fall outside the approved parameters, the development will not give rise to any significant environmental effects.
- 9.81. A Drainage Strategy has been submitted with the application which addresses the strategy for surface and foul water drainage. OCC Drainage engineers are satisfied that the submitted Strategy is acceptable subject to conditions requiring compliance with the plans and specification set out in the application.
- 9.82. Thames Water have also raised no objection to the application but request that standard conditions are imposed relating to construction in proximity to the strategic water main and for a piling method statement prior to any piling taking place.

*Conclusion*

- 9.83. The proposals are considered to be satisfactory in this regard, in accordance with the requirements of policy ESD6 and ESD7 of the CLP 2031 Part 1.

Energy Efficiency and Sustainability

*Policy Context*

- 9.84. Policy ESD 5 of the CLP 2031 Part 1 requires new commercial development of over 100sqm floorspace to provide for significant on-site renewable energy provision unless robustly demonstrated to be undeliverable or unviable. Policy ESD 4 of the CLP 2031 Part 1 also requires a feasibility assessment to be carried out for such developments to determine whether Combined Heat and Power (CHP) could be incorporated.
- 9.85. Policy ESD 3 of the CLP 2031 Part 1 also requires that all new non-residential development shall meet at least BREEAM 'Very Good' standard.

*Assessment*

- 9.86. The Energy Statement that accompanied the Hybrid application set out energy targets for the Symmetry Park development including the achievement of BREEAM 'Very Good' standard. An Energy Statement has been submitted to support the current application which addresses how the development will seek to comply with policies ESD1 – 5 of the CLP 2031 Part 1 and the achievement of BREEAM 'Very Good'. The application is also supported by a Photovoltaic Report

which proposes photovoltaic panels across the entire usable roof space of the building.

- 9.87. In June 2020, Tritax Symmetry announced that all new development within its portfolio will be constructed to net zero carbon construction in line with the UK Green Building Council's (UKGBC) Net Zero Carbon Building Framework. The DPD parcel depot on the Symmetry Park site was one of the first Tritax Symmetry buildings to achieve net zero carbon in its construction. It is proposed that the Unit C building will be constructed to those same standards.

#### *Conclusion*

- 9.88. Subject to the imposition of suitable conditions requiring compliance with the submitted Energy Statement, Planning Officers are satisfied that the proposed development will achieve sustainability through construction, be energy efficient and utilise renewable energy in accordance with the requirements of policies ESD 3, ESD 4 and ESD 5 of the CLP 2031 Part 1.

#### Planning Obligations

- 9.89. Policy INF1 of the CLP 2031 Part 1 requires that development proposals demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.
- 9.90. Where a development would give rise to potential adverse on and off-site impacts, it is sometimes necessary for mitigatory infrastructure or funding to be secured through a planning obligation (S106 agreement). Obligations within a S106 agreement must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). Where planning obligations do not meet the statutory tests, they cannot be taken into account in reaching a decision.
- 9.91. Officers have had regard to the statutory tests in considering the application and recommend that the following items be secured, in the event that planning permission is granted, in order to mitigate the impact of the proposed development;

| <b>Contribution</b>        | <b>Amount £</b> | <b>Price base</b> | <b>Index</b> | <b>Towards (details)</b>                   |
|----------------------------|-----------------|-------------------|--------------|--|
| Travel Plan Monitoring Fee | £2,379          | Dec 2020          | RPI          | Towards the monitoring of the Travel Plan. |

- 9.92. A linking agreement will also be required to link the proposed development to the S106 agreement attached to the Hybrid consent and the obligations within that agreement.
- 9.93. The District Council and County Council will require monitoring contributions to be secured to cover the cost of monitoring and enforcing the obligations within any S106 agreement and the District Council and County Council will also require an undertaking to cover their reasonable legal fees incurred in the drafting of the an agreement.

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

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three

dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

- 10.2. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports the plan-led system and advises that planning applications which accord with an up to date development plan should be approved without delay.
- 10.3. The Council is committed to B8 development on this site through the strategic Bicester 12 policy allocation and the principle of development has already been accepted through the granting of planning permission as set out above.
- 10.4. The application proposal is considered to be in accordance with Policy Bicester 12 and the associated policies within the adopted Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the NPPF and will ensure the development of an allocated site which will enable the delivery of new employment development supporting economic growth in accordance with the strategic objectives of the local plan.
- 10.5. The information in the accompanying ES and the consultation responses received have been taken into account in considering this application and preparing this report. The ES identifies mitigation to overcome any adverse environmental impacts as a result of the development. This mitigation will need to be secured through conditions and/or legal agreements. As such, the conditions and obligations proposed incorporate the mitigation identified in the ES.

## 11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND 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, AS SET OUT ABOVE (AND ANY AMENDMENTS 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:

Dwg no 4036-015 P21 Parameter Plan

Dwg no 4036-C06-001 P6 – Masterplan  
Dwg no 4036-C06-002 P8 - Site Layout  
Dwg no 4036-C06-006 P2 – Unit C1 GA Plans  
Dwg no 4036-C06-008 P2 – Unit C2 GA Plans  
Dwg no 4036-C06-017 P1 – Unit C1 GA Elevations  
Dwg no 4036-C06-018 P1 – Unit C2 GA Elevations  
Dwg no 4036-C06-007 P2 – Unit C1 GA Elevation/Section  
Dwg no 4036-C06-009 P3 – Unit C2 GA Elevation/Section  
Dwg no 4036-C06-010 P7 - Parking Layout  
Dwg no 4036-C06-011 P6 - Fencing Layout  
Dwg no 4036-C06-012 P3 – Unit C1 Roof Plan  
Dwg no 4036-C06-013 P3 – Unit C2 Roof Plan  
Dwg no 4036-C06-014 P6 - Parameters Line Overlay  
Dwg no 4036-C06-015 P3 - Sprinkler Tank and Pump House Details  
Dwg no 4036-C06-020 P1 - Site Sections  
Dwg no 4036-C03-100 P2 - Location Plan  
Dwg no 4036-C03-101 P4 - Application Red Line Plan

Dwg no CPW-181093-E-011 P2 Lighting Plan  
Symmetry Park Bicester Unit C External Luminaire Schedule (version 2)

Dwg no: edp6569\_d001-C-Detailed Landscape Design Unit C

Environmental Statement Volume 1 Main Text  
Environmental Statement Volume 2 Appendices

- Transport Statement 11238-HYD-XX-XX-RP-TP-4001-P04\_S3
- Technical Note Ecology edp6569\_r001
- Technical Note Air Quality SPC-HYD-XX-ZZ-RP-Y-2004\_P02
- Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100\_2
- Noise Assessment- 11238-HYD-ZZ-XX-RP-Y-1002-P01
- Waste Management Single Unit 11283-HYD-XX-XX-RP-Y-5000
- Health Impacts Scoping
- Landscape Technical Note edp6569\_r005-B

Environmental Statement Volume 3 Non- technical Summary

Drainage Strategy Technical C-11238-HYD-XX-XX-TN-0100\_2  
Dwg no C11238-HYD-XX-XX-DR-C-0110\_P2\_External Levels\_1 Unit

Planning and Design and Access Statement

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 building hereby approved shall be constructed to at least BREEAM 'Very Good' standard.

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

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. Except to allow for the provision of the footpath/cycle link into the adjacent site along the western boundary (as shown on Drawing No. 4036-C06-002 P8) the existing hedgerows to the northern, southern and western boundaries shall be retained and properly maintained, and if any hedgerow plant dies within five years from the completion of the development, it shall be replaced in the current/next planting season with others of similar size and species and thereafter be properly retained in accordance with this condition

Reason – In the interests of the visual amenities of the area, in the interests of biodiversity and to provide effective screening to the proposed development and to comply with Policy ESD 13 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

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

Reason - To ensure that 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.

7. The development hereby permitted shall be carried out strictly in accordance with the Drainage Strategy -11238-HYD-XX-XX-TN-0200\_2 dated 1<sup>st</sup> April 2021 and the following plans:

Dwg no: C11238-HYD-XX-XX-DR-C-0200 P2 Drainage Layout Sheet 1

Dwg no: C11238-HYD-XX-XX-DR-C-0201 P1 Drainage Layout Sheet 2

Dwg no: C11238-HYD-XX-XX-DR-C-0202 P1 Drainage Layout Sheet 3

Dwg no: C11238-HYD-XX-XX-DR-C-0205 P1 Catchment Plan

Dwg no: C11238-HYD-XX-XX-DR-C-0207 P1 Flood Extants Plan

Dwg no: C11238-HYD-XX-XX-DR-C-0209 P1 Drainage Maintenance Plan

Dwg no: C11238-HYD-XX-XX-DR-C-0250 P1 Drainage Standards Details Sheet 1

Dwg no: C11238-HYD-XX-XX-DR-C-0251 P1 Drainage Standards Details Sheet 2

Dwg no: C11238-HYD-XX-XX-DR-C-0252 P1 Drainage Standards Details Sheet 3

Dwg no: C11238-HYD-XX-XX-DR-C-0253 P1 Drainage Standards Details Sheet 4

The approved Drainage Strategy shall be fully implemented prior to the service yard area coming into first operation and shall be managed and maintained thereafter in perpetuity in accordance with the agreed management and maintenance plan.

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

### **Pre-commencement conditions**

8. No development 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. The CMP shall be appropriately titled (site and planning permission number) and as shall provide for at a minimum;
  - Routing of construction traffic and delivery vehicles including means of access into the site:
  - Details of and approval of any road closures needed during construction;
  - Details of and approval 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 Depot – 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.

9. Prior to, and within two months of, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to

the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved mitigation scheme.

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

10. Prior to the commencement of Unit C1 hereby approved above slab level, full details of Photovoltaic (PV) cells which shall be installed on at least 25% of the roof coverage of the whole building, shall be submitted to and approved in writing by the Local Planning Authority. The PV cells shall be installed in full working order prior to first occupation and shall thereafter be retained and maintained in accordance with the approved detail.

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

11. Prior to the commencement of Unit C2 hereby approved above slab level, full details of Photovoltaic (PV) cells which shall be installed on at least 25% of the roof coverage of the whole building, shall be submitted to and approved in writing by the Local Planning Authority. The PV cells shall be installed in full working order prior to first occupation and shall thereafter be retained and maintained in accordance with the approved detail.

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

12. No development 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 of the development. 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

#### **Pre-occupation conditions**

13. Prior to the first occupation of Unit C1, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan

shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport.

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.

14. Prior to the first occupation of Unit C2, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to secure Travel Plans' and its subsequent amendments shall be submitted to and approved in writing by the Local Planning authority. The plan shall incorporate site specific details of the means of sharing and encouraging reduced reliance on the use of private cars related to the development in favour of other modes of transport.

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

15. Prior to the first occupation of Unit C1, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-C06-010 P7 - Parking Layout). 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 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

16. Prior to the first occupation of Unit C2, covered cycle parking facilities shall be provided on the site (as shown in drawing ref: 4036-C06-010 P7 - Parking Layout). 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 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice in the National Planning Policy Framework.

17. Prior to the first occupation of the development, a record of the approved SuDs and site wide drainage details shall be submitted to and approved in writing by the Local Planning Authority for deposit in the Lead Local Flood Authority Asset Register. The details shall include:

- As built plans (.pdf and .shp file format);
- Photographs to document each key stage of the drainage system when installed on site;

Management company information must also be provided clearly identifying the name of the company and contact details.

Reason – In accordance with section 21 of the Flood and Water Management Act 2010.

18. Prior to the first occupation of the development hereby approved, and unless alternative details are first submitted to and approved in writing by the Local Planning Authority, the external lighting shall be installed strictly in accordance with the details shown on drawing number CPW-181093-E-010 P2 Lighting Plan



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.

19. Prior to the first occupation of the Unit C1 hereby approved, the 8no. vehicle electricity charging points shall be provided for use in the positions shown and in accordance with the details shown on the approved plans; and ducting for a further 15 vehicle charging points and ducting for HGV charging points shall also be installed for future charging point provisions in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

20. Prior to the first occupation of the Unit C2 hereby approved, the 4no. vehicle electricity charging points shall be provided for use in the positions shown and in accordance with the details shown on the approved plans; and ducting for a further 10 vehicle charging points and ducting for HGV charging points shall also be installed for future charging point provisions in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to first occupation.

Reason – In the interests of sustainability and to comply with Policies SLE4 and ESD1-5 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

**Ongoing regulatory conditions to be complied with at all times**

21. Following the occupation of the development, no goods, materials, fixed plant or machinery, other than that approved by this permission, shall be stored, repaired, operated or displayed in the open without the prior express planning consent of the Local Planning Authority.

Reason - In order to safeguard the visual amenities of the area in accordance with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

22. Cumulative noise output from any mechanical ventilation or fixed plant associated with the development shall be noise attenuated or mitigated so that it achieves the following levels at 1m from the nearest receptors (listed below):

- a) Daytime (0.700-23.00)
  - i) Wretchwick Farm Cottages and Wretchwick Farm: 43dB LAeq
  - ii) Little Wretchwick Farm: 34dB LAeq
  
- b) Nighttime (23.00-07.00)
  - i) Wretchwick Farm Cottages and Wretchwick farm: 31dB LAeq
  - ii) Little Wretchwick Farm: 28dB LAeq

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.

23. All existing topsoil that is disturbed by construction works shall not be removed from the site but shall be carefully removed and stored within the curtilage of the site and thereafter re-used during the preparation of the site and implementation of the approved landscaping scheme.

Reason – To ensure the protection and conservation of the on-site top soil as a viable growing medium for the approved landscaping scheme and in the interests of the visual amenities of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

24. The development hereby permitted shall be used only for purposes falling within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that class in any statutory instrument revoking, amending or re-enacting that order and for no other purpose(s) whatsoever.

Reason: In order to retain planning control over the use of the site and in view of the exceptional circumstances that justify approval in this case, and in the interests of highway safety and residential amenity, in accordance with Policies SLE1, SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government Guidance in the NPPF.

CASE OFFICER: Bernadette Owens