

## URGENT BUSINESS

**Former Rodney House Private Drive Off Graven Hill Road  
Ambrosden**

**21/01454/F**

**Case Officer:** David Lowin

**Applicant:** Mr Richard Drew

**Proposal:** Proposed Bicester Health and Wellbeing Hub

**Ward:** Bicester South & Ambrosden

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

**Reason for Urgency:** The Applicant has advised that the development may not proceed if a decision is not issued by the 22 July 2022. Issues arising after publication deadline are considered to necessitate amendments to the delegated powers previously given to officers.

**Expiry Date:** 31 January 2022

**Committee Date:**

14 July 2022

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### **AGENDA ITEM 6 – URGENT BUSINESS**

#### **1. Reason for Referral as Urgent Business**

- 1.1 The application was previously considered by Planning Committee at meetings on 13 January 2022 and 10 February 2022 after which Committee Members resolved to delegate powers to the Assistant Director for Planning and Development to grant permission, subject to: (i) conditions, (ii) a s106 deed of variation to the extant s106 to address the revised biodiversity mitigation; and (iii) a s106 to secure a contribution to improve public transport (bus) provision to the site.
- 1.2 Since the Committee resolutions in February 2022, Officers have been unable to proceed to determine the application due to outstanding matters which it has not been possible to resolve within the scope of the powers delegated to officers in their resolution to approve the scheme.
- 1.3 The Council has been contacted by the GP Partner representing Montgomery-House Surgery and the GP Partner representing The Alchester Medical Group about their (joint) deep concern for the planned delivery of the new Bicester ‘Super Surgery’ Health Hub project. They highlight that the projected costs of the Hub have been escalating fast since the Ukraine war began and that the development may be financially unviable unless they lock in an agreed price with contractors before the end of the month. They state that providing this deadline can be hit then a start on building will be possible during October 2022.
- 1.4 This report is therefore presented as a late and urgent item to seek the necessary delegation for the Committee to enable the outstanding issues to be resolved and a decision made by the 22 July 2022 deadline identified by the applicant.

## 2. Outstanding Issues

### Red Edge Plans:

- 2.1 Members initially resolved ([January 2022](#)) to delegate authority to the Assistant Director to approve this application subject to conditions and the prior completion of a S106 agreement to provide an increased public transport contribution for the additional public transport movements to Graven Hill generated by the health hub proposal. However, whilst the January Committee report correctly identified need also for consequential changes to parts of the approved Masterplan and specific clauses of the existing S106 that required a Deed of Variation (DoV), the recommendation and resolution erroneously omitted those other requirements. Consequently, the application was reported back to the [February Committee](#) for a further resolution, also including a revised red-edge drawing (defining the application site boundary) to be submitted and consulted upon. This was to include both a required cycle and pedestrian link and two areas of off-site biodiversity enhancement elsewhere in the wider Graven Hill site to be included as part of the application proposals and required as part of the Masterplan and S106 DoV alterations and the new S106. The revised plan that was considered at the February 2022 meeting failed to include all the original red-edge boundary. Specifically, it excluded the access road, which was an error.
- 2.2 Accordingly, in advance of finalising the S106 Agreement and issuing the planning permission by the 22 July deadline, it is necessary for a corrected red-edge plan to show the application boundary includes all of the former Rodney House site, plus the access road, the new combined cycle and pedestrian link and the two areas of off-site biodiversity enhancement in a single composite plan.
- 2.3 The plan now presented simply combines the two plans previously reported (and consulted upon) but in a single composite drawing, with no other land included. On this basis officers do not consider that further public consultation is required.
- 2.4 Officers are therefore seeking to amend the powers delegated to them to insert reference to the new composite red-edge drawing, reference [BHWH-IBI-XX-XX-PL-A-100003 Rev 8](#), which is to be referenced in the eventual planning permission and S106.

### Planning Condition 22 – Path upgrade

- 2.5 The proposals include the upgrading of an existing pathway to a shared cycle/pedestrian route that will extend westward from the application site towards the private road that links to Anniversary Avenue and Graven Hill Road.
- 2.6 In the [Written Update](#) published in advance of the February Planning Committee, the Planning Committee was advised that it had been agreed that the upgrading of this footway would be delivered by the applicant, rather than the Highway Authority, and the provision of the footway upgrade was therefore best secured via a planning condition rather than a s106 contribution payment. The wording of the suggested condition was set out the written update and agreed by the Planning Committee when they resolved to grant planning permission.
- 2.7 The wording of suggested Condition 22 required that the cycle route link the site with the existing and proposed cycle network. It has come to light that this is not feasible. The existing footway can be upgraded as anticipated in the details presented to the Planning Committee in February. A new plan was received in May 2022, reference [BHWH-IBI-XX-XX-PL-A-100104 Rev P3](#), which proposes that the path would be: re-laid with bituminous course; it would have no linings as it is a shared footway cycleway; it would have signs at each end; and would have bollards incorporating

lighting every 10 linear meters. The upgraded footway cycleway would then terminate in the same location as the existing footway at the point it reaches the private road which in turn links to Anniversary Avenue and Graven Hill Road. This submitted plan demonstrates that it is feasible to upgrade the footpath, but it has not been agreed with the Council's Landscaping Team and therefore a condition requiring a scheme for the upgrading works remains necessary. A revised wording for Condition 22 has been suggested below.

- 2.8 The applicant's position is that the upgraded pathway runs through an amenity space which the S106 for the wider Graven Hill development envisages being passed to the District Council for adoption in due course. The future maintenance of this land and the original footway was to be included in the commuted sum to be paid by the Developer to the Council, but this figure is capped in the existing S106. Therefore, the increased cost of maintenance for the upgraded footway/cycleway and associated lighting would fall upon the District Council.
- 2.9 Officers advise that these increased costs should be paid by the applicant, in addition to any capped commuted sums, via an additional commuted sum to be added into the original S106. The increased cost for the maintenance of the shared footway/cycleway would be £803.25 (index linked), and there would also need to be additional provision for the cost of providing and maintaining 16 low-level LED lights alongside the proposed 175m cycleway/path. This cost has not yet been identified.

#### S106 Matters:

- 2.10 As part of the S106 negotiations, the applicant has now provided landscape details for the requisite biodiversity enhancement of the two areas of land identified and agreed for that purpose beside the woodland and the proposed planting is shown on the plan attached below.
- 2.11 GHVDC suggested that the commuted sums to be paid to the District Council to cover landscaping at the point the land is transferred to the District Council should remain capped at the same level as specified in the existing S106 for the wider site. However, the calculated costs for the additional planting is £7,000 (index linked) and the extra maintenance costs associated with the two biodiversity enhancement areas is a further £7,000 (index linked). Seeking to include these elements within the existing cap on commuted sums would result in these costs falling upon the District Council.
- 2.12 The purpose of these biodiversity enhancement areas is to compensate for the loss of open space and biodiversity on the land now to be developed for the health hub on the former Rodney House site. Officers therefore consider that it is important that these areas be recognised as providing an additionality of provision over and above what was anticipated under the wider planning permission for the Graven Hill site. On this basis it is recommended that the costs for the additional planting and the extra maintenance costs are secured, in addition to any capped commuted sums, via an additional commuted sum to be added into the original S106.

#### Surface Water Drainage:

- 2.13 An objection to the development was received from the Local Lead Flood Authority (LLFA) on the 14 January 2022 (after the January Planning Committee). This was not highlighted in the subsequent February Planning Committee report.
- 2.14 Officers have sought to deal with this objection, which relates not to the principal of development but to an amplification of the information submitted. The applicant is intending to submit further details but at this time the LLFA objection stands. It is hoped however that the submission of the additional information requested would

allow this objection to be withdrawn prior to the determination of the application.

- 2.15 In light of the urgency for a decision to be issued, it is proposed that delegated powers be given to officers to impose a condition to address the LLFA concerns. This would allow, if the objection has not been overcome in the time available, a decision to be issued whilst continuing to ensure that the concerns of the LLFA are addressed prior to the commencement of development.

### **3. RECOMMENDATION**

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

- i. THE CONDITIONS SET OUT IN THE AGREED [MINUTES](#) FROM THE FEBRUARY 2022 PLANNING COMMITTEE (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) WITH ALTERATIONS TO CONDITIONS 2 (APPROVED PLANS) AND 22 (FOOTWAY/CYCLEWAY) AS SET OUT BELOW; AND**
- ii. A S106 DEED OF VARIATION TO THE EXISTANT S106 TO ADDRESS THE REVISED BIODIVERSITY MITIGATION AND THE FOOTWAY/CYCLEWAY AS PER THE S106 HEADS OF TERMS BELOW (AND ANY AMENDMENTS AS DEEMED NECESSARY);**
- iii. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE S106 HEADS OF TERMS BELOW (AND ANY AMENDMENTS AS DEEMED NECESSARY); AND**
- iv. IN THE EVENT THAT THE LLFA OBJECTION IS NOT RESOLVED, POWERS TO ADD THE ADDITIONAL CONDITION 23 (FLOOD) (AND ANY AMENDMENTS TO THAT CONDITIONS AS DEEMED NECESSARY)**

#### **New Section S106 Heads of Terms**

- a) £310,262 index linked – Payment of a contribution to improve public transport (bus) provision to the site;
- b) £2,336 index linked – OCC Travel Plan Monitoring Fee; and
- c) £4,550 – S106 monitoring fee.

#### **Section S106 Deed of Variation**

- a) An additional commuted sum for the additional planting and the extra maintenance costs of the biodiversity enhancement areas, in addition to any capped commuted sums, of £7,000 (index linked) and associated extra maintenance £7,000 (index linked) or any amendments to those figures deemed necessary; and
- b) An additional commuted sum for the maintenance of the footpath/cycleway upgrade works, in addition to any capped commuted sums, of £803.25 (index linked) for the maintenance of the re-surfaced footway/cycleway, and an appropriate figure (to be confirmed) for the maintenance of the lighting, or any amendments to those figures deemed necessary.

## Conditions

### 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: **[BHWH-IBI-XX-XX-PL-A-100003 Rev 8 – Red Edge Plan]**; IBI-AR-XX-XX-PL-100-004 Rev 17 – Proposed Site Masterplan; WIE11386-HHA-05-001 Rev A01 – Health Hub & Western Spine Road Vis.; **WIE-16470-ZZ-XX-DR-L-74-101 Rev T02 – Biodiversity Net Gain Offset Plan**; 122447-IBI-XX-WS-PL-A-100-005 Rev 7 – Existing Site Location Plan; IBI-XX-XX-PL-A-200-005 Rev 18 – Proposed Site Plan; 16470-WIE-100-74-XX-ZZ-000 Rev A – Colour Masterplan; 122447-IBI-XX-XX-PL-A-200-5010 Rev P4 – Ground Floor Plan; 122447-IBI-XX-XX-PL-A-200-5011 Rev P4 – First Floor Plan; 122447-IBI-XX-XX-PL-A-200-5012 Rev P4 – Second Floor Plan; 122447-IBI-XX-XX-PL-A-200-5013 Rev P1 – Roof Plan; 122447-IBI-XX-XX-EL-A-200-5020 Rev P1 – North & West Elevations; 122447-IBI-XX-XX-EL-A-200-5021 Rev P1 – East & South Elevations; 122447-IBI-XX-XX-EL-A-200-5022 Rev P1 – Courtyard Elevations; 8757-MCP-V1-XX-DR-E-9000 Rev P01 – External Lighting Strat. & PV Plan; 16470-WIE-100-74-XX-ZZ-100 Rev P03 – Illustrative Landscape Plan; Design & Access Statement, March 2021; Planning Statement, April 2021; WSI for Archaeological Investigation, February 2021; Technical Note – Biodiversity Net Gain Assessment, April 2021; Supplemental Tech. Note – Biodiversity Net Gain Assessment, August 2021; Ecological Impact Assessment, March 2021; Building Regs Part L Compliance Report, March 2021; Geotechnical Desk-Study Report – Part 1, February 2021; Geotechnical Desk-Study Report – Part 2, February 2021; Geotechnical Site Investigation Report, June 2021; Arboricultural Impact Assessment, April 2021; Arboricultural Survey Schedule, August 2020; Arboricultural Briefing Note, December 2021; Flood Risk Assessment & S/W Drainage Strategy, March 2021; Travel Plan, March 2021; Transport Assessment – Part 1, April 2021; Transport Assessment – Part 2, April 2021; Transport Assessment – Part 3, April 2021; Supplemental TRICS data for GP Surgeries with Pharmacies; Transport Tech. Note – Primary Health Care Hub proposals, July 2021. 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:
22. The development shall not be brought into use until the footway running from the south of the building and linking to the east to connect to a private road leading to Anniversary Avenue, has been upgraded to a shared footway/cycleway in full accordance with a Scheme of upgrade works that shall include details of lighting, surfacing and signage. This Scheme shall have first been submitted to and approved in writing by the Local Planning Authority.

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

23. Prior to commencement of development a surface water drainage management strategy shall be submitted to and approved the Local Planning Authority. The strategy shall include details of the management of the proposed system. Thereafter the development hereby permitted shall be constructed in accordance with this strategy, including calculated micro drainage results and clarification that the site can be satisfactorily drained to the adjoining watercourse and details of arrangements should the surface water system fail.

Reason: To ensure a sustainable and adequate surface water drainage scheme for the development that complies with Government guidance contained within the National Planning Policy Framework and associated Planning Policy Guidance.