

**Case Officer:** Andrew Thompson/Laura Bell

**Applicant:** LNT Care Developments

**Proposal:** Full application for the proposed erection of a two storey building to form a 66 no. bedroom care home for older people with parking, access, landscaping, and associated ground works.

**Ward:** Bicester South And Ambrosden

**Councillors:** Councillor Nick Cotter, Councillor Frank Ideh, Councillor Chris Pruden

**Reason for Referral:** Major development and for development of land owned by Cherwell District Council

**Expiry Date:** 31 March 2025

**Committee Date:** 20 February 2025

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**SUMMARY RECOMMENDATION: DELEGATE TO ASSISTANT DIRECTOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT AND RECEIPT OF A SATISFACTORY NON-MATERIAL AMENDMENT TO THE MASTERPLAN AND RESOLUTION OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

- 1.1. The site of the principal building and proposals covers 0.99 hectares (2.45 acres) and is located in the Graven Hill development which is still under construction with a number of established residential and commercial properties occupied. The access and redline to the adopted highway extends the site area above 1ha (c.1.2ha) to the roundabout with the A41.
- 1.2. The site previously comprised Rodney House and other buildings associated with the previous MoD use. These buildings were demolished in 2016 (two single storey buildings) and 2020 (a boiler tower).
- 1.3. The application site is located at the northern edge of Graven Hill Village, close to the main entrance junction off the A41 Bicester to Aylesbury Road. A Masterplan and Design Code were produced by the overall developer of the strategic allocation, which is the Graven Hill Village Development Company, in 2015 and have been amended since, which are material considerations. The site for this application is located within an area of amenity space.
- 1.4. The site currently comprises vacant grassland surrounded by unmanaged areas of tall ruderal vegetation, dense scrub, and scattered trees. A small part of the site was most recently used as a site compound for construction activities on the wider Graven Hill site.

- 1.5. The site was previously identified as the proposed Bicester Health and Wellbeing Hub (application reference: 21/01454/F) which received a resolution to grant before being withdrawn.
- 1.6. The surrounding residential development consists of 1-to-5-bedroom homes and a number of self-build plots. To the north the existing dwellings consist of semi-detached and detached housing with a variation of 1, 2 and 3 storeys.

## **2. CONSTRAINTS**

- 2.1. The application site is within the Graven Hill Allocation which is set out as a predominantly brownfield site to the south of Bicester which is proposed for a mixed use development of 2,100 dwellings, significant employment land providing for high quality job opportunities, associated services, facilities, and other infrastructure. The housing development also includes the provision of extra care housing and the opportunity for self-build affordable housing.
- 2.2. The site is also located close to a priority habitat for grassland and ponds which support Great Crested Newts are found in the locality.
- 2.3. Gas pipelines run close to the site and the site is also identified as potentially contaminated land. The site is close to a medium pressure gas pipeline.
- 2.4. Other consultation zones and constraints in the area related to airfield activities are not relevant due to the height of the proposal not exceeding the height or including being of qualifying development.

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

- 3.1. The application is set out as a full application for a 66-bed care home for older people with associated access, parking, and landscaping.
- 3.2. The submitted Planning Statement states that the proposals will allow the site to make an important contribution towards an identified need for new care accommodation and provide general residential and dementia care. It will be made available for local people in need of care and staffed by local people, in a highly appropriate, sustainable, and accessible location.
- 3.3. Care Homes fall within Use Class C2 (Residential Institutions) and are classed as specialist housing for older people. The proposed development will address an identified need for care beds within the region. The proposed care home will be a local facility, employing local people and housing residents from the local community or with a local connection.
- 3.4. The development comprises:
  - single room accommodation with en-suite wet room facilities throughout.
  - a variety of high-quality internal amenity spaces, including a shop and cinema.
  - level and amenable access throughout and vertical lift access between floors.
  - an expanse of attractive and useable landscaped gardens and surrounds.
  - 3400 sqm (Gross Internal Area) over two-floors.
  - 25 no. parking spaces (including 3 accessible and 6 EVCP) and 13 cycle spaces.

- 3.5. The applicant sets out that the proposals are designed with resident's comfort and well-being at the heart of the consideration, in order to provide excellent day-to-day amenities and facilities that reflect modern day domestic comforts. These facilities are particularly important for residents, who will rely upon easy and amenable access, regular activity, entertainment, and familiar settings in order to maintain a good quality of life and well-being.
- 3.6. The applicant sets out that the scheme is designed to be fully compliant with the Care Standards Act 2000.
- 3.7. The applicant sets out that wide corridors primarily allow for ease of movement and an open and social environment throughout, but they also have interesting features to provide visual diversity which helps residents with wayfinding by easily being able to identify the different parts of the building.
- 3.8. The development will be split over two-storeys with a building height of c. 7.9m (to the highest parapet). It should be noted that the lower parapet height will be marginally lower in height at 7.5m. Within the building footprint, there is servicing, plant, and back-of-house space. In addition to the main building there is also an ancillary meter house/garden store, bin store, cycle store and battery housing for the solar panels.
- 3.9. The configuration of the proposed care home has been designed to create a building of a suitable and reflective scale to the local setting and neighbouring development. The building provides an attractive frontage from Anniversary Avenue and will provide development on a current greenfield site.
- 3.10. The layout provides a central hub, that is easily accessible from all areas of the care home. The building is positioned to allow communal areas to maximise the views of the surrounding landscape, whilst benefiting from good privacy and amenity. The care home will benefit from high quality landscaping at the front and rear of the development, providing an attractive setting surrounding the development.
- 3.11. All bedrooms will enjoy views of the surrounding gardens and ground floor rooms facing onto the courtyards or residents garden will have direct access to the garden/courtyard, respectively. Bedrooms will enjoy views into the rear gardens (framed by attractive landscaping) alongside views onto the wider Graven Hill development.
- 3.12. The main entrance is situated facing south east with ancillary parking located to the south of the site. This enables a contained and private garden space to the site's southern boundary. The building will provide an attractive frontage from Anniversary Avenue with in-keeping design and material palette.
- 3.13. A high-quality landscaping scheme will ensure the site contributes to biodiversity throughout its lifetime. New planting will provide trees and vegetation that support and enhance local habitats and wildlife connectivity. This approach also ensures that the site and landscaping arrangements are beneficial to the needs and quality of life of future residents.
- 3.14. Secured landscaped areas around the buildings will have direct access from ground floor bedrooms. These spaces will be used by residents and will provide space for planting that will enhance the wider area's character and amenity.
- 3.15. Soft landscaping will comprise of trees, shrubs, flowerbeds, including raised planters and lawn (using native/indigenous and sensory species where appropriate). Hard

landscaping will also be provided to allow level surfaced pathways around the building so residents of different mobilities can use them easily and safely.

- 3.16. The nature of the use requires a uniform window pattern; however, this reflects the character of residential development in the wider area and emphasises the glazing features central to the building's elevations. Windows will be dark framed, recessed, and large to complete the attractive and coordinated façade and enable a large amount of natural light infiltration.
- 3.17. The roof will be flat which will integrate well with the general character of the area. The nature of the flat roof will also reduce the scale and massing of the proposal.
- 3.18. Solar Photovoltaic (PV) Panels are proposed on the roof of the care home. The solar panels are mounted into the roof and will provide sustainable energy for the proposed care home.
- 3.19. The overall façade treatments provide a high-quality, visually interesting façade, that is suited to the surrounding area's character whilst being distinctive in its own right (therefore being easily recognisable); overall this will strengthen and enhance the area's sense of place.
- 3.20. In addition to the care home there are also ancillary buildings comprising of the bin store, meter house/garden store, cycle store and battery housing for the PV panels. These are placed in the most appropriate location for them on the site and will be housed in materials that complement the main building design.
- 3.21. The application is supported by the following documents:

- Planning Statement
- Design And Access Statement
- Transport Statement and Travel Plan
- Arboricultural Impact Assessment
- Tree Survey
- Tree Protection and Removal Plan
- Archaeological Advice Note
- Biodiversity Net Gain Assessment
- Biodiversity Net Gain Assessment Metric
- Flood Risk Assessment and Drainage Strategy
- Sustainability and Renewable Energy Statement
- Noise Impact Assessment
- Preliminary Ecological Appraisal

- 3.22. The application has also been updated during the course of the application to include information pertaining to Great Crested Newts and the District Licence Scheme.

#### **4. RELEVANT PLANNING HISTORY**

- 4.1. Graven Hill as an allocation has a long and varied planning history since the original approval of the outline planning permission. The following planning history is considered relevant to the current proposal:

21/03749/F - Variation of condition 2 (plans) of 19/00937/OUT - The submitted proposals show the relocation of the Community Centre, Extra Care Facility, Nursery and Pub, as explained in the submission. The masterplan is amended to include these proposals, and excludes the employment land, for clarity – Approved 22/03/2022.

21/00585/REM - Sites B, C, D and E MOD Bicester, reserved matters application to 19/00937/OUT - Proposed details of Western access road. Approved 30/9/21.

19/00937/OUT - Variation of Conditions 2 (plans), 28 (Phasing) and 29 (Masterplan and Design Code) of 18/00325/OUT - to amend the site wide phasing plan and to include proposed earlier phasing for the employment land. (Original outline reference 11/01494/OUT, amended by 15/02159/OUT.

16/01802/OUT - Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1,900 homes; local centre to include a 2-form entry primary school (class D1); a community hall of 660m<sup>2</sup>; five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1,358m<sup>2</sup>; up to 1,000m<sup>2</sup> gross A1 uses; a pub/restaurant/hotel (class A4/A3/C1) up to 1,000m<sup>2</sup> and parking areas; employment floor space comprising up to B1(a) 2,160m<sup>2</sup>, B1(b) 2,400m<sup>2</sup>, B1(c) and B2 20,520m<sup>2</sup> and B8 uses up to 66,960m<sup>2</sup>; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure; erection of a 70,400m<sup>2</sup> fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking and circulation areas) – Application approved.

N.B. The above application 21/03749/F is the most up to date outline planning consent issued for the wider Graven Hill site and includes the site set out in this report.

11/01494/OUT - Outline - Redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Erection of a 70400sqm fulfilment centre on 'C' site and associated on site access improvement works, hardstanding, parking, and circulation areas. (Permitted 23.1.2012)

#### 4.2. The site:

21/01454/F - Proposed Bicester Health and Wellbeing Hub which received a resolution to grant before being withdrawn.

### 5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal.

### 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. The final date for comments was **14 October 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

- 6.3. Graven Hill Village Development Company Limited (“GHVDC”): Object on the impact of the proposals on the ability of the Company to implement the overall masterplan and the variation in the proposals from the masterplan. If a care home permission is implemented in this location it will render it physically impossible to complete the remaining 190 homes permitted by Stage 1 in the context in which they are permitted whereby this land is used as green space. This is known as the Pilkington Principle and has been amplified by a case known as the Hillside Case.
- 6.4. The GHVDC also comment that the Council’s EHO should satisfy the Council that the proposed mitigation will be enough to insulate against likely levels of noise which will be created by the Sports Pitches (including the pavilion and community centre) once in use.
- 6.5. Further the GHVDC comment that there is a slight error in relation to retained tree T13. The trunk for this should be shown within the red line to the LNT Proposal such that conditions to protect it can be applied to any planning permission if permitted.
- 6.6. The comments received can be viewed in full on the Council’s website, via the online Planning Register.

## **7. RESPONSE TO CONSULTATION**

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

### **7.2. BICESTER TOWN COUNCIL: No objection**

- 7.3. *OCC HIGHWAYS*: **No objections** subject to a s106 Contributions towards public transport and travel plan monitoring and appropriate planning conditions

### **7.4. ENVIRONMENTAL PROTECTION: No objection subject to conditions**

General: A Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site should be conditioned.

Noise: Having read the noise report provided I am satisfied with its contents and findings and have no further comments

Contaminated Land: No objection subject to appropriate conditions.

Air Quality: No objection subject to a condition requiring an air quality impact assessment to identify the impact of the development on local air quality and implementation of appropriate mitigation.

Odour: There is potential for the development to be affected by odours from the nearby Sewage Treatment works. An odour assessment should be conditioned and mitigation carried out.

Light: A lighting condition should be added.

- 7.5. *ENVIRONMENT AGENCY*: **No comment** – the LPA are advised to use the Environment Agency’s Flood Risk Standing Advice (FRSA)

7.6. CDC DRAINAGE: **No comments or objections.** Agreed that the site is not subject to material flood risk. The surface water management strategy is based on a maximum discharge.

7.7. LEAD LOCAL FLOOD AUTHORITY: **Holding Objection:** The LLFA previously requested details of how the allowable discharge rate has been calculated. It is important that this is based on the developable area rather than the whole site area. The FRA has been revised to Issue 3. It is not clear whether there is a missing surface water drainage strategy document that would address our concerns.

(NB A drainage strategy was submitted to the LPA on 4 February 2025 and has been forwarded to the LLFA for comment)

7.8. THAMES WATER: **No objection with comments and recommended conditions**

Waste Comments: Recognises this catchment is subject to high infiltration flows during certain groundwater conditions. The scale of the proposed development does not materially affect the sewer network and as such we have no objection; however, care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding. The developer should liaise with the LLFA to agree an appropriate sustainable surface water strategy following the sequential approach before considering connection to the public sewer network. The scale of the proposed development does not materially affect the sewer network and as such we have no objection; however, care needs to be taken when designing new networks to ensure they do not surcharge and cause flooding.

Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

There are public sewers crossing or close to the development.

SURFACE WATER - approval should be sought from the Lead Local Flood Authority. Should the applicant subsequently seek a connection to discharge surface water into the public network in the future then we would consider this to be a material change to the proposal, which would require an amendment to the application at which point we would need to review our position.

FOUL WATER no objection to the planning application, based on the information provided.

WATER COMMENTS There is an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Thames Water have contacted the developer in an attempt to agree a position on water networks but have been unable to do so in the time available and as such Thames Water request that a condition be added to any planning permission.

7.9. BUILDING CONTROL: **Comment.** It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service, to ensure compliance with the functional requirements of The Building Regulations 2010. It is recommended that consideration be given to the provision of a sprinkler system in care homes. Site plans show limited access routes around the premises and a secure garden area. It should be ensured that suitable fire service access can be provided in accordance with Approved Document (B)

7.10. BUCKINGHAMSHIRE, OXFORDSHIRE, AND BERKSHIRE WEST INTEGRATED CARE BOARD (NHS) – **No objection** subject to a contribution of £23,760 towards

enhancement of the Alchester Medical Group surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.

- 7.11. BICESTER BIKE USERS GROUP – **Comment.** We have a particular concern that the current design of the development is very car dependent. The current design closes off the opportunities for visitors, residents, or employees to travel between the facility or the town centre or Langford Park by wheelchair, mobility scooter, foot, or cycle.

The issue is that the shortest and quickest route for non-motorised means of transport is from the existing means of access to the former Rodney House social centre site is via the northeastern corner. This connects via land due for development to the A41 underpass, to the London Road, and to the Langford Fields park via a new parallel crossing over the London Road currently in development with Active Travel England funds. This route has been earmarked to be preserved in the Local Cycling and Walking Infrastructure Plan

- 7.12. COMMUNITY AND INFRASTRUCTURE TEAM: **No objection.** Seek a contribution towards community hall, outdoor sport, and indoor sport provision.
- 7.13. CHERWELL SWIFTS CONSERVATION PROJECT: **No objection.** Pleased to see that some provision for integrated swift nest bricks is proposed. However, this is a large building and offers ample space for this type of biodiversity enhancement. The bricks themselves are inexpensive and unobtrusive and once used; the presence of swifts would add to the well-being of residents. Propose that a minimum of 12 integrated nest bricks should be a condition of approval of the application. This would be closer to the figure recommended in the Council's Guidelines for the Built Environment.
- 7.14. NATURESPACE: Should you be minded to approve planning for the above planning application there are mandatory conditions and informatives within the submitted Report (on pages 6/7) that must be used in verbatim on the decision notice. This is in order to comply specifically with conditions in the council's district licence.

## **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 2015)

- PSD1 Presumption in favour of sustainable Development
- SLE4: Improved Transport & Connections
- BSC8: Securing Health & Well-Being
- BSC10: Open Space, Outdoor Sport, and Recreation Provision
- BSC11: Local Standards of Provision -Outdoor recreation



- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD 15: The Character of the Built and Historic Environment
- Policy Bicester 2: Graven Hill

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

- C5: Protection of ecological value and rural character of specified features of value in the district
- C28 – Layout, design, and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

#### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Design Guide (2018)
- Graven Hill Master Plan (2018)
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- OCC Walking and Cycling Strategy for Bicester Area
- OCC Design for Streets
- LTN1/20

## 9. APPRAISAL

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

- Principle of development
- Design and character of the area.
- Highways and access
- Heritage impact
- Ecology impact
- Flood Risk and Drainage
- Sustainable Construction
- S106 and Conditions
- Environmental Impact Assessment Regulations
- Public Sector Equality Duty

#### Principle of Development

### *Policy Context*

- 9.2. The application site is the same as the proposed Health Hub proposals which obtained a resolution to grant in 2022. There have been no substantive changes to the allocation or the Development Plan since that time and the emerging local plan proposes to save the allocation for development at Graven Hill. The site would be considered to be previously developed land.
- 9.3. The application site falls within a far larger adopted local plan strategic mixed use but primarily residential site. Part of that policy (Bicester 2) notes that there is need for care facilities within the site allocation.
- 9.4. The current land use plan for the development of the wider site is confirmed in Condition 2 of 21/03749/F (as amended by 24/00597/NMA) as Amenity Space. This falls within the policy definition of 'General green space (parks and gardens/natural semi-natural/amenity green space).'
- 9.5. A non-material amendment to vary the outline permission to ensure that there are no legal ramifications related to the implementation of the masterplan has been agreed. Determination of this application would not be made until such time as that has been completed appropriately in order to ensure there are no legal issues arising.
- 9.6. There is a total of 34.94ha Amenity Space shown on the plan, which together with other land meeting the general green space definition (woodland 27.64ha and amenity woods 10.39ha) provides a total of 72.97ha of general green space. The site area for the application measures ~0.99ha, meaning that there is a remaining 71.98ha of general green space.
- 9.7. CLP Policy Bicester 2: Graven Hill allocated the site for 2,100 dwellings though the outline consent granted, most latterly by 21/03749/F is for only 1,900. Multiplying the overall allocation of 2,100 dwellings by an average household size of 2.4 people would give a population of about 5,040 people.
- 9.8. CLP policy BSC11: Local Standards of Provision – Outdoor recreation sets a requirement of 2.74ha per 1000 rural/urban edge dwellers, equating to a minimum requirement of 13.61ha of general green space. Without the inclusion of the application site, there is presently more than five times the amount of general green space required on site.

### *Assessment*

- 9.9. The application site is within an area designated for development as the Policy includes the provision of extra care/nursing home on Graven Hill.
- 9.10. The application site is also currently designated, by virtue of a master plan for the wider site, as an area of green space. However, the over provision of green space for the Bicester 2 strategic development as set out above is such that even at the designated number of dwellings in the Policy there is considerable overprovision and even more if the extant consent for the scheme of 1,900 dwellings is considered. In addition, and as set out above, permission for a health hub on the land was previously supported by a resolution for approval being made, which provides further support for this proposal in principle.

### *Conclusion*

- 9.11. The proposals accord with adopted policy Bicester 2, as the wording of the policy explicitly notes that the use is part of development proposals on Bicester 2. Further the site being previously developed land also weighs heavily in favour of the development.
- 9.12. The loss of an area of green space given the considerable overprovision for the site as a whole is such that it is not contrary to policy with respect to adopted policy for green space and amenity provision.

#### Design and character of the area.

##### *Policy Context*

- 9.13. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policies BSC10 and BSC11 outline the requirements for open space provision on sites of this scale which has been discussed above.
- 9.14. Demonstration of climate change mitigation and adaptation measures including exemplary demonstration of compliance with the requirements of policies ESD 1 –5 is also set out as a requirement of Policy Bicester 2.
- 9.15. Policy Bicester 2 highlights that creative experimentation is encouraged with a view to achieving the informal, vibrant, and easy-going feel desired. The development aims to offer the highest level of design freedom with only the 'generic' site-wide design rules here being applied to residential properties.
- 9.16. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

##### *Assessment*

- 9.17. The submitted Design and Access Statement sets out that the residential properties through Graven Hill vary in terms of their type, design, and overall appearance. This creates a vibrant built environment with contrasting bricks, render colours and overall design. Dominant materials include an array of red brick types, white coloured render with grey cladding alongside both flat and gable rooflines. The materials are used in different combinations throughout the existing built environment which creates an interesting and visually diverse environment.
- 9.18. The nature of the use requires a uniform window pattern; however, this reflects the character of residential development in the wider area and emphasises the generous glazing features central to the building's elevations. Windows will be dark framed, recessed, and large to complete the attractive and coordinated façade and enable a large amount of natural light infiltration.

- 9.19. The roof will be flat which will integrate well with the general character of the area. The nature of the flat roof will also reduce the scale and massing of the proposal. Solar Photovoltaic (PV) Panels are proposed on the roof of the care home.
- 9.20. The solar panels are mounted into the roof and will provide sustainable energy for the proposed care home. The application is supported by a sustainability statement which outlines that the proposal complies with the Council Policies ESD1-5 through the provisions of appropriate forms of renewable energy (including Ground Source Heat Pumps and Solar PV panels) and waste will also be regularly monitored and appropriately managed through construction and operation stages.
- 9.21. The proposed layout, design, materials, and landscaping have been designed to be resilient, minimise energy demand and maximise the benefits of natural heating, cooling, and ventilation. Local materials will be sourced where possible and landscaping will be improved with new planting to enhance biodiversity in the immediate area.
- 9.22. The applicant also sets out that the ground floor layout of the building provides easy access for staff and residents to the landscaped gardens. This relationship between indoor and outdoor space is a key element of the proposal, as the connection between indoor and outdoor amenity spaces increases the quality of the environment which is important for the wellbeing of residents.
- 9.23. The scheme would continue to build on the contemporary designs and the overall masterplan and the character of the wider Graven Hill development. The scheme would use the roof space to support renewable energy, and the proposals would be an enhancement in terms of the layout to the previously approved Health Hub due to the increased landscaping and garden space.
- 9.24. The façade treatment would be reliant on the recesses and nuances proposed in the contemporary design detail and therefore it will be necessary to have care to these elements in the discharge of materials conditions to avoid the uniformity of the building becoming blander and more institutional in appearance.

### *Conclusion*

- 9.25. Overall, the proposals design and layout would be acceptable in terms of the overall character of the area. The proposal includes attractive landscaping and gardens which would create a high quality landscaped character to the proposals and the proposed design and use of a simple materials palette would be appropriate.
- 9.26. The proposals have also been designed to mitigate the impact of the proposals on climate change and include significant provision of renewable energy.
- 9.27. Overall, it is considered that the proposals would be in accordance with Policy Bicester 2, ESD1-5, ES13, and ESD15 of the Cherwell Local Plan 2015, saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

### Highways and Access

#### *Policy Context*

- 9.28. The Bicester 2 strategic allocation requires that the development on the overall site comply with ESD 1, which if taken together with material non-statutory documents such as LTN1/20 and the Bicester Cycling and walking strategy, requires that new

development should be in a sustainable location and offer a choice of modes of transport to users of the facility.

- 9.29. At Paragraph 115 the NPPF guides that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location;
  - b) safe and suitable access to the site can be achieved for all users;
  - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
  - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 9.30. Paragraph 116 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. This test is reflected in Policy SLE 4 of the Cherwell Local Plan.

#### *Assessment*

- 9.31. In response to Bicester Bike Users Group (BBUG) the applicant has explored and understood the desire to improve cycle connectivity throughout the Graven Hill development. However, the applicant highlights that the request for a cycle route in this location is not viable and does not consider the proposed use as a residential care home for older people. The indicative markup of the Site Plan shows a cycle way running through the secure landscaped garden of the care home. Given the nature of the use, this area needs to be enclosed for residents' safety and will be attractively landscaped to create an aesthetically appealing environment for residents.
- 9.32. The care home during its lifetime will cater to a broad spectrum of needs including Dementia care so the implementation of a cycle path through the garden space is not a practical addition or something the care home operator would want in this area. The response also refers to residents of the care home benefiting from the proposed connection which will not be the case as the users of the home will likely have serious mobility issues requiring 24/7 residential care and as a result certainly will not be cycling. It should also be noted that in response to separate Highways comments the applicant has increased the cycle parking provision on site to 16 spaces to encourage cycling as mode of transport to the proposed development.
- 9.33. It is further noted that the provision of a cycle link could still be made to the north of the application site and principal connections to the surrounding area can be still achieved without diversion.
- 9.34. Officers note that the Bicester LCWIP promotes crossing at the roundabout with the A41 and the underpass to London Road to the north with perimeter routes along the A41 connecting the two crossing points. A route in this location is not shown as part of the LCWIP.

- 9.35. Further it is considered that the route proposed by Bicester BUG would not be the most direct route to shops and facilities or to the crossing points of the A41 and would compromise the operation and amenity of the proposed care home.
- 9.36. It is noted that a route was not proposed, nor did it form part of the Health Hub scheme (reference: 21/01494/F) and was not requested by Bicester BUG at that time.
- 9.37. It is noted that OCC Highways have raised no objection to the proposals and are satisfied with elements of highway safety and parking provision which shows 25 parking bays, including 6 charging stations. Three spaces are shown as being capable of being used for disabled parking provision and space for emergency vehicles is safeguarded at the building entrance.
- 9.38. The level of cycle parking is currently shown as 16 spaces (including 10 within a cycle store and 3 Sheffield hoops). This is the agreed provision of cycle spaces for visitors and staff.

#### *Conclusion*

- 9.39. As such the proposals would support the use of the site in a safe manner and through the design and layout would promote the use of sustainable modes of transport. Whilst the comments of the Bicester BUG have been carefully and fully considered it is considered that the proposals to add further connections through the site would not be viable or attractive as part of the wider masterplan.

#### Heritage Impact

##### *Legislative and policy context*

- 9.40. Policy ESD 15 of the adopted Local Plan seeks to protect Heritage assets alongside the requirements of s66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The guidance in the National Planning Policy Framework is also noted.

##### *Assessment*

- 9.41. There are no listed buildings or conservation areas in the vicinity of the site.
- 9.42. The application site is situated in an area of archaeological interest and Iron Age and Roman settlement features were recorded ahead of the construction of the pond immediately south of the nearest house. An archaeological evaluation undertaken to the east of the application site also recorded a series of Roman linear features. It is therefore likely that further archaeological deposits would be present on the site and be impacted by the development.
- 9.43. John Moore Heritage Services carried out an archaeological investigation at the site in 2022 and concluded that there are no further archaeological constraints to the scheme. The approved report for this work has not been submitted with the scheme should be submitted with the application to demonstrate that the archaeological potential of the site has been examined.

#### *Conclusion*

- 9.44. The applicants have submitted an archaeological written note. No comments have been received however Officers have liaised with County Archaeology Officers. It is noted that conditions were requested as part of the Health Hub proposals, and as a result of the updated work, County Archaeology Officers consider that the policy

requirement to protect Heritage assets is satisfied and whilst they would prefer for the John Moores Report to be submitted as part of this application, it is the view of Officers that the work has been completed and that the archaeological note submitted by the applicant is appropriate in this instance.

### Ecology Impact

#### *Legislative context*

- 9.45. 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.
- 9.46. 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).
- 9.47. The achievement of Biodiversity Net Gain (BNG) as a statutory requirement was introduced by Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

#### *Policy Context*

- 9.48. 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.
- 9.49. 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.
- 9.50. Policy ESD10 of the Cherwell Local Plan 2015 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.
- 9.51. 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.

9.52. These polices 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.

9.53. 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*

9.54. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it is 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 is 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 are not affected at each stage (this is known as a 'condition survey')

9.55. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site is close to a stream and ponds and that there are a number of mature trees and hedgerows within and adjacent the site, and therefore has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

9.56. The application is supported by a suite of ecological supporting documents and detailed Biodiversity Enhancement Management Plan which concluded that the terrestrial habitats at the Site were assessed during the survey visit, for their suitability to support Great Crested Newts (GCN) and were considered to offer GCN with minimal shelter, foraging and dispersal opportunities categorised as 'poor.' The GCN eDNA survey water sampling was undertaken at P1, P2, D1 and D2 on 21st June 2024. The result of the survey was negative for P1 & D2 (GCN likely absent) and positive for P2 & D1 (GCN likely present). Given the established likely presence of GCN at P2 and D1 it is considered reasonable to conclude that GCN may potentially be encountered within, and dependant, at least in part, on, terrestrial habitats at the Site. Therefore, the species poses a constraint to the proposed works. The Site is located within a Nature Space Partnership (NSP) GCN Amber Risk Zone. Nature Space state: 'Amber zones contain suitable habitat and GCN are likely to be present.' P2 which is located 200 m west of the Site falls within the Nature Space Red Risk Zone.

9.57. A formal enquiry to enter the Site into the NSP and West Oxfordshire District Council Great Crested Newt District Licencing (NSP GCN DL) scheme has been



prepared and submitted to NSP for determination. A copy of this is on the planning file.

- 9.58. In respect of BNG the submission sets out that there will be an 8.75% gain in Habitat Units and a net gain of 2.88 Hedgerow Units, which is a 976.47% uplift and a 15.49% increase in Watercourse Units. This should be achieved via the implementation of a Biodiversity Enhancement Management Plan (BEMP) that will be implemented during the construction phase and 30-years post-development to achieve the target net gain. The implementation of the BEMP is a proposed condition.
- 9.59. The key Enhancement, Ecological and Management objectives in order to achieve this aim are described as follows:
- Retention and/or enhancement of key habitat types to retain existing habitat structure for use by foraging/commuting bats and birds, and potential wildlife corridor links for invertebrates and small mammals. The functionality of the existing retained habitat will also be maintained for nocturnal wildlife, namely bats, via the implementation of a sensitive lighting strategy; and
  - Long-term management, involving producing a habitat management plan (HMP) which details a long-term (30 years) monitoring and management regime. Works undertaken in accordance with good industry practice guidance.
- 9.60. Officers are satisfied, on the basis of the advice from the Nature Space and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

### Flood Risk and Drainage

#### *Policy Context*

- 9.61. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding, and coastal change. Paragraph 167 states that when determining any 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.'
- 9.62. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.63. Policy ESD7 of the CLP 2015, relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution, and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as Lead Local Flood Authority (LLFA). Proposals must

also include an agreement on the future management, maintenance, and replacement of the SuDS features.

#### *Assessment*

- 9.64. The application is supported by a Flood Risk and Drainage Strategy which has been updated and received on 4 February 2025. The updated comments of the LLFA have been sought.
- 9.65. The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.66. Development is not proposed within areas where the risk of surface water flooding should arise, and the proposals include significant areas of sustainable drainage potential.
- 9.67. It should be noted that the water mains which service much of Graven Hill are operated by GTC, not Thames Water. As a result, it may well be the case that there is insufficient capacity within the Thames Water infrastructure, however, the development is not proposing to discharge through this network. The proposed condition in relation to water requirements is therefore not necessary.

#### *Conclusion*

- 9.68. Subject to confirmation of no objection from the LLFA to the recently received information and considering the application site is located in Flood Zone 1 and the applicant's updated Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions.

#### Sustainable Construction

- 9.69. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.
- 9.70. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021).
- 9.71. The application is supported by a Sustainability Strategy and includes the provision of electric vehicle charging points, significant levels of Solar PV on the roof and other measures to reduce waste and energy use. It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

## S106 Contributions

### Policy Context

- 9.72. Policy INF1 of the CLP 2015 states that: “Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”
- 9.73. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

### Assessment

- 9.74. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
  - b) Directly related to the development;
  - c) Fairly and reasonably related in scale and kind to the development.
- 9.75. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.76. The proposals include contributions to meet healthcare provision, public transport, and monitoring of the Travel Plan for the premises. These contributions have been fully assessed and are considered to be compliant with the tests. Other contributions would not be considered appropriate due to the nature of the use (i.e. a care home for those with the need for high levels of care that are unlikely to access external facilities (i.e. local outdoor sport provision, the local indoor sports centre for example) and impact on the local infrastructure.

## Environmental Impact Assessment Regulations

- 9.77. As part of the application submission, Officers assessed the proposals against the EIA Regulations as the wider Graven Hill site is subject to EIA. The proposal is well below the threshold of a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a ‘sensitive area’ as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size, or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant

environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

#### Duty under The Equalities Act 2010

- 9.78. S149 of the Equalities Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.
- 9.79. Officers have considered the application and resolved that the following protected characteristics are affected or potentially affected by the application in terms of age and potentially disability. The proposals and considerations have been made with knowledge and without prejudice to the requirements of the future residents and based on the policies of the development plan. It is considered that there would be benefit for residents of the above protected characteristics generated by the supply of new accommodation.

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

- 10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

##### Positive - Economic

- 10.2. The proposals would create the opportunity for the delivery of care provision and specialist housing on an allocated site. In light of the Council’s housing land supply, this attracts significant positive weight given the scale and opportunity presented.
- 10.3. The support to the Development Plan and national objectives also supports long-term investment choices. This should be given substantial and significant weight.
- 10.4. The creation of construction and future jobs in terms of the provision of care services carry significant positive weight.
- 10.5. s106 contributions should also be afforded positive weight.

##### Positive benefits – Social

- 10.6. The proposals would provide the opportunity for the provision of specialist housing and dementia care on an allocated site.

10.7. The proposals would also present a positive uplift to the area and appearance to the wider area.

Positive benefits - Environmental

10.8. Environmentally the proposals would offer a modern development that would accord with building regulations and include substantial renewable energy. The proposals would also secure biodiversity net gain and new habitats. This should carry significant positive weight.

10.9. Other green space and sustainable drainage networks would also be given moderate weight as they are required to make the development acceptable.

Negative Impacts – Economic

10.10. There are no identified material negative economic impacts that are identified, any minor impacts (e.g. on the existing occupants of the Graven Hill) could be mitigated accordingly.

Negative Impacts – Social

10.11. The proposals could have a negative impact on the amenity to neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The loss of an element of the former open space has also been considered.

10.12. Overall, the impacts on the existing residents of the surrounding should be given moderate weight.

Negative Impacts – Environmental

10.13. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.

Overall Conclusion

10.14. It is clear that the positive elements of the proposals present a clear and significant benefit to the District both in terms of specialist housing and the delivery of care-based jobs. There would be connections and improvements to the surrounding area. The objections, comments, and concerns of Bicester BUG in particular have all be carefully considered but in considering the development as a whole it is clear that the delivery of this allocation should be supported in the view of officers subject to the resolution of matters with the Lead Local Flood Authority. The proposal is considered to be in compliance with the Development Plan, in particular Policy Bicester 2 Cherwell Local Plan 2015, and in considering the Development Plan as a whole and the aims and objectives of the National Planning Policy Framework the proposals are recommended for approval.

**11. RECOMMENDATION**

**DELEGATE TO ASSISTANT DIRECTOR TO GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT AND RECEIPT OF A SATISFACTORY NON-MATERIAL AMENDMENT TO THE MASTERPLAN AND RESOLUTION OF THE LEAD LOCAL FLOOD AUTHORITY OBJECTION**

- :
- a) Payment of a financial contribution of £23,760 (index linked) towards primary health care provision serving the locality
  - b) Payment of a financial contribution towards public transport services serving the development
  - c) Payment of a financial contribution of £1,985 (RPIx Index Linked from April 2024) towards travel plan monitoring
  - d) Payment of the Council's monitoring costs of £1000

**FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 31 MARCH 2025. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:**

1. **In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate transport, healthcare and monitoring costs required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies SLE4 and INF1 of the Cherwell Local Plan 2011-2031 (2015)**

#### CONDITIONS/REASONS FOR REFUSAL

##### **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 form and following approved plans.
  - Site Location Plan (Ref: OX25 2BF A-01)
  - Topographical Survey (Ref: OX25 2BF A-02 Rev A)
  - Proposed Site Plan (Ref: OX25 2BF A-03 Rev B)
  - Proposed Floor Plans (Ref: OX25 2BF A-04)
  - Proposed Elevations (Ref: OX25 2BF A-05 Rev A)
  - Proposed Internal Elevations (Ref: OX25 2BF A-05.1 Rev A)
  - Proposed Bin Store (Ref: SDL-033 Rev A)
  - Proposed Cycle Store (Ref: CYSH-PREM-2250 X 3000 X 2100 Rev A)
  - Proposed PV Meter Housing (Ref: SDL-090.4 Rev A)
  - Proposed PV Battery Housing (Ref: PV-01)
  - Tree Protection and Removal Plan (Ref: WIE AA 72 002 Rev P02)
  - Arboricultural Constraints Plan (Ref: WIE AA 72 001 Rev P02)
  - Soft Landscaping Detail (Ref: 24\_330\_101 Sheet 1 and Sheet 2)

Proposed Block Plan (Ref: A-03)  
Vehicle Tracking (Ref: A-07 Rev A)  
GCN Impact area (Ref: A-01.1)  
Drainage Strategy (Ref: GHBO-BSP-ZZ-XX-DR-C-SK240 Rev P05)  
EV Charger Details (Ref: EVQRTMD-04)  
Details Of Solar PV Ref: JAM60S21-355-375)

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.

### **Samples/Materials**

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

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Sections – window reveal and architectural detail.**

4. Prior to above ground works commencing section details of window reveals, gable projections and material and façade treatment (including those detailed at Paragraph 5.37 of the submitted Design and Access Statement) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the samples so approved.

Reason: The proposals use a contemporary design solution with architectural treatment to ensure design interest and ensure that the proposals create interest and achieve a high quality design. These further details are required to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Timing of Landscaping**

5. All planting, seeding or turfing shown on Soft Landscaping Detail (Ref: 24\_330\_101 Sheet 1 and Sheet 2) comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or in accordance with any other program of landscaping works previously approved in writing by the Local Planning Authority and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

### **Retention of hedge**

6. The existing hedge(s) shown as G2 in the approved Arboricultural Impact Assessment (Ref: WIE11386-182-R-4-4-1-AIA Issue 3) along the north west boundary of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

### **Tree T1**

7. No development shall take place until the existing tree T1 to be retained on the south east boundary (shown on approved plan Ref: WIE AA 72 002 Rev P02) has been protected in accordance with the approved Arboricultural Impact Assessment (Ref: WIE11386-182-R-4-4-1-AIA Issue 3) unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development [and / or demolition] and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

### **Parking/Turning/Manoeuvring Areas**

8. The approved parking and turning/loading/unloading facilities (shown on Proposed Site Plan (Ref: OX25 2BF A-03 Rev B) shall be laid out and completed in accordance with the approved details before the first occupation of the building. The car parking and turning/loading/unloading spaces shall be retained for the parking and turning/loading/unloading of vehicles at all times thereafter.

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

### **Surface Water**

9. Before any above ground works commence a scheme for the provision and implementation of surface water drainage has been submitted to and approved



in writing by the Local Planning Authority. The drainage works shall be constructed and completed in accordance with the approved plans before the first occupation of any of the building hereby approved.

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

#### **Unidentified Contamination**

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

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

#### **Construction hours**

11. No construction work including site clearance and delivery of materials shall be carried out except between the hours of 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays and at no times on Sundays, Bank and Public Holidays.

Reason: In order to protect the amenities of occupiers of nearby properties from noise outside normal working hours and to comply with Saved Policy ENV1 of the Cherwell Local Plan 1996.

#### **Construction Method Statement and CTMP**

12. No development shall take place, including any works of demolition until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:
- a) The parking of vehicles of site operatives and visitors.
  - b) The routeing of HGVs to and from the site.
  - c) Loading and unloading of plant and materials.
  - d) Storage of plant and materials used in constructing the development.
  - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
  - f) Wheel washing facilities including type of operation (automated, water recycling etc) and road sweeping.
  - g) Measures to control the emission of dust and dirt during construction.
  - h) A scheme for recycling/ disposing of waste resulting from demolition and construction works.
  - i) A Construction Traffic Management Plan (CTMP) including delivery hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure the environment is protected during construction in accordance with Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

#### **Biodiversity Enhancement Plan**

13. The development hereby permitted shall be carried out in accordance with the recommendations set out in the Biodiversity Enhancement and Management Plan (Issue 1.0) unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats and/or species of importance to nature conservation from significant harm in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework

#### **District Licence Condition**

14. No development hereby permitted shall take place except in accordance with the terms and conditions of the Council's Organisational Licence (WML-OR150, or a 'Further Licence') and with the proposals detailed on plan "Land to the North of Anniversary Avenue: Impact plan for great crested newt District Licensing (Version 1)", dated 8th January 2025.

Reason: In order to ensure that adverse impacts on great crested newts are adequately mitigated and to ensure that site works are delivered in full compliance with the Organisational Licence (WMLOR150, or a 'Further Licence'), section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

#### **District Licence Condition**

15. No development hereby permitted shall take place unless and until a certificate from the Delivery Partner (as set out in the District Licence WML-OR150, or a 'Further Licence'), confirming that all necessary measures regarding great crested newt compensation have been appropriately dealt with, has been submitted to and approved by the planning authority and the authority has provided authorisation for the development to proceed under the district newt licence. The delivery partner certificate must be submitted to this planning authority for approval prior to the commencement of the development hereby approved.

Reason: In order to adequately compensate for negative impacts to great crested newts, and in line with section 15 of the National Planning Policy Framework, Circular 06/2005 and the Natural Environment and Rural Communities Act 2006.

#### **Swift Boxes**

16. Prior to above ground works details of the location and height (being at least 4.5m above ground level) of at least 12 swift boxes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To support nature conservation aims to support the enhancement of swift population in accordance with the aims to support Biodiversity Enhancement of the development.

### **Sustainability**

17. The development hereby permitted shall be constructed in accordance with the recommendations of the approved Sustainability & Renewable Energy Statement (Dated November 2024)

Reason: To ensure energy and resource efficiency practices are incorporated into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

### **Electric Vehicle Charging Points**

18. Prior to the first occupation of the development the approved six electric vehicle charging points (shown on Proposed Site Plan (Ref: OX25 2BF A-03 Rev B and EV Charger Details (Ref: EVQRTMD-04) shall be installed and made available for use.

Reason: To ensure approved electric vehicle charging points are implemented into the development in accordance with the Government's aim to achieve sustainable development as set out in the National Planning Policy Framework.

### **Cycle Parking**

19. Notwithstanding the submitted details prior to commencement of the development hereby approved, covered cycle parking facilities (with a minimum capacity of 16 bicycles) shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. 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 sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

### **LEMP**

20. Prior to construction of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

### **Solar Panels Implementation**

21. Prior to any occupation of the building the solar PV panels shown on plan number Proposed Floor Plans (Ref: OX25 2BF A-04 – Roof Plan and Details Of Solar PV Ref: JAM60S21-355-375) shall be implemented and made available for use.

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

### **Travel Plan**

22. Prior to first occupation a Full Travel Plan based on the approved Draft Travel Plan should be submitted to and agreed in writing by the Local Planning

Authority.

Reason: To ensure that the development promotes sustainable transport and active travel in accordance with the Policies Bicester 2 and SLE4 of the Cherwell Local Plan 2011-2031 Part 1 and in accordance with Government guidance contained within the National Planning Policy Framework.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Healthcare	£23,760.00	First occupation or an alternative agreed trigger	<p><b>Necessary –</b> This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services.</p> <p><b>Directly related –</b> Yes. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.</p> <p><b>Fairly and reasonably related in scale and kind –</b> Yes</p>
Public transport services contribution	£tbc	First Occupation or alternative agreed trigger	<p><b>Necessary –</b> The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision.</p> <p><b>Directly related –</b></p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p><b>Fairly and reasonably related in scale and kind –</b> TBC</p>
<p>Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans.</p>	<p>£1,985 index linked from April 2022 using RPIX Index</p>	<p>At appropriate stages</p>	<p><b>Necessary –</b> The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p><b>Directly related -</b> The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p><b>Fairly and reasonably related in scale and kind –</b> The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
<p>CDC Monitoring Fee</p>	<p>£1,000</p>	<p>On completion of the S106</p>	<p>The CDC charge is based upon its agreed Fees and Charges Schedule</p>

