

Case Officer: Laura Bell

Applicant: Cherwell District Council

Proposal: New security fence to the vehicle parking areas

Ward: Bicester South and Ambrosden

Councillors: Councillor Cotter, Councillor Pruden, Councillor Sames

Reason for Referral: Application affects Council's own land and the Council is the applicant

Expiry Date: 29 March 2024

Committee Date: 21 March 2024

SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the southeast of Graven Hill and totals approx. 3.84 Ha. The building, known as 'Building D8' sits within a complex of vacant warehouses, previously used as part of the Logistics, Commodities and Services (LCS), formerly known as Defence Storage and Distribution Agency (DSDA), logistics hub. The LCS operation has been rationalised and moved to 'C' Site at Upper Arncott, meaning that 'D' Site is surplus to requirements. The building is currently vacant.
- 1.2. Graven Hill is bound to the northeast by the A41 Aylesbury Road; the railway line to the south, and railway tracks and sidings to the west. In addition, the southern boundaries of the site are formed by adjoining agricultural fields and a large solar farm. The site is accessed from the Employment Access Road (EAR) which is currently under the final stages of construction.
- 1.3. The site lies immediately south of St David's Barracks, which is in operational military use. Adjoining uses include the new residential uses to the north of Graven Hill; Wretchwick Farm to the east and a sewage treatment works to the northwest on the opposite side of the Chiltern railway line. Symmetry Park, a newly constructed logistics park, is located to the east of the site off the A41.
- 1.4. Outline planning permission was granted in 2022 for the redevelopment of D site, comprising five large vacant warehouses (Unit D1, Unit D2, Unit D4, Unit D7, Unit D10 & D20, the latter being the sub-station) for B8 'storage and distribution uses'. These existing buildings total approx. 41,831 sq. m. Planning permission was granted in 2022 to demolish the latter buildings (along with 9 former munitions stores) within the D site area.

2. CONSTRAINTS

2.1. The application site is within the area allocated in the adopted Local Plan (Bicester 2) as a strategic site for mixed use development, with Graven Hill itself proposed to remain as an open space to be utilised for public access. The site is described at Bicester Policy 2 as a brownfield site. The site lies in an area of archaeological interest and potential. There is an overarching archaeological written scheme of investigation which covers the entire Graven Hill site.

2.2. The site lies within a protected species buffer for Great Crested Newts (GCN) and is within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. Full planning permission is sought for the erection of security fencing to the perimeter of the site, comprising 2.4 metre high green mesh fencing with 2.4 metre high green automatic access gates, with rota spikes over the front access gates.

4. RELEVANT PLANNING HISTORY

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

Application no.	Location	Proposal	Decision
21/03749/F	Sites B C D And E, MOD Bicester, Murcott Road, Upper Arncott	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	Permitted 22/3/22
22/00835/F	Unit D1 Graven Hill, Circular Road, Ambrosden	Demolition of existing buildings and structures at the site and provision of a bat barn.	Permitted 21/3/22
22/01829/OUT	Unit D1 Graven Hill, Circular Road, Ambrosden	'Outline (fixing 'Access' only) – redevelopment of Graven Hill D1 Site, including demolition of existing buildings, development of B8	Permitted 10/10/23

		<p>'Storage or Distribution' use comprising up to 104,008 sq. m (GIA), creation of open space and associated highway works, ground works, sustainable drainage systems, services infrastructure and associated works.'</p>	
--	--	--	--

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. The final date for comments was **7 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

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

CONSULTEES

7.3. N/A

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

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

- Bicester 2: Graven Hill
- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)

9. APPRAISAL

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

- Design, and impact on the character of the area
- Ecology

Design and impact on the character of the area

Assessment

9.2. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

9.3. Policy ESD15 of the CLP 2015 states that: “New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required to meet high design standards.” Saved Policy C28 seeks control over new development to ensure standards of layout, design and external appearance are sympathetic to the character of the area.

9.4. The immediate and surrounding area is of a predominantly industrial/military nature, comprising large areas of hardstanding and former MoD buildings. There are several fences in the vicinity of the site, including concrete post and mesh fencing to the retained St David’s barrack to the north of the site and steel post and wire fencing along the southern most boundary of the site.

9.5. The proposed fencing is of an appropriate scale, siting and design that would be commensurate with other fencing in the area and accordingly, would not adversely affect the character and appearance of the area.

Conclusion

9.6. It is considered that the erection of fencing in this location would not result in significant harm to the character and appearance of the area. As such, it would accord with Policies ESD15 and Bicester 2 of the CLP 2031 Part 1, saved Policy C28 of the CLP 1996 and central Government guidance contained within the NPPF.

Ecology Impact

- 9.7. Having considered Natural England's Standing Advice and taking account of the nature of the application and the site constraints, it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.

Other matters

- 9.8. The block plan submitted with the application makes reference to various uses within Building D8, including a HGV workshop and MOT test station. This application deals only with the erection of fencing; a separate planning application will be submitted in due course for the proposed change of use of the building, for its anticipated use as the Council's depot. A planning note will be added to the Decision Notice to reiterate this.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposal complies with the relevant Development Plan policies and guidance listed at section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

11. RECOMMENDATION

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

CONDITIONS

Time Limit

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

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

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Drawing 01 – Proposed Security Fencing and Drawing 02 – Location Plan

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.

PLANNING NOTES

1. The applicants are reminded that this permission relates to the erection of security fencing only and does not imply or grant consent for any change of use of the building.
2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered, you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.