

Case Officer: Caroline Ford

Recommendation: Approval

Applicant: London and Regional Properties

Proposal: Foul water tank and pumping station compound and enclosure to serve approved hotel

Expiry Date: 31 March 2020

Extension of Time: 31 March 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site relates to part of the car park of the hotel development approved as the first phase of the Bicester 10 allocation. The wider parcel for the hotel is to the south of Bicester, east of the A41, west of the Wendlebury Road and north of Shouler Way. The site is accessed from the Wendlebury Road and the site is largely surrounded by trees/ hedgerows.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The development proposed is a foul water pumping station with a tank and compound enclosure which is required to serve the approved hotel. The infrastructure would sit alongside a previously approved compound providing LPG tanks to serve the hotel and would result in the loss of 7 car parking spaces. The pumping station enclosure would contain a pump station vehicle space, an above ground kiosk, bollards and underground foul drainage infrastructure. The fenced enclosure would measure 14.1m by 11.5m with the height being 1.8m and would be a green weldmesh fence. The only element taller would be the kiosk which would be a maximum of 2.2m in height.

3. RELEVANT PLANNING HISTORY

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

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/02586/OUT	Phase 1 of the proposed new business park ("Bicester Gateway") comprising up to 14,972 sq m (Gross External Area) of B1 employment based buildings, plus a hotel (up to 149 bedrooms), with associated infrastructure, car parking and marketing boards	Approved
17/02557/REM	Reserved matters to 16/02586/OUT - Erection of hotel and associated works	Approved
19/01600/F	Compound and enclosure for siting of 3 no. LPG tanks within car park of approved hotel	Approved

3.2. There have also been a number of discharge of condition applications relating to the site made against both the outline and reserved matters permissions.

4. PRE-APPLICATION DISCUSSIONS

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

5. RESPONSE TO PUBLICITY

5.1. This application has been publicised by way of a site notice displayed near the site. The final date for comments was **12 February 2020**, although comments received after this date and before finalising this report have also been taken into account.

5.2. No comments have been raised by third parties.

6. RESPONSE TO CONSULTATION

6.1. 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

6.2. CHESTERTON PARISH COUNCIL: Observations on the following points:

- Is the existing foul drainage system inadequate to cope with the hotel?
- Are measures in place to deal with food residues, cleaning detergents and any noxious emissions?
- Is the weldmesh fencing adequate for the pumping station in its current location close to traffic flows and potential mis-judgments?
- There is a recognition that this is a necessary provision for the hotel.

CONSULTEES

6.3. CDC ENVIRONMENTAL HEALTH: **No comments** with regard to noise, contaminated land, air quality, odours or light.

6.4. CDC ARBORICULTURE: **Initially some concern** raised regarding the proposal to remove, store and replant the hedgerow and how successful that would be. Additional detail was sought regarding this proposal to satisfy the concerns.

6.5. Following the receipt of additional information demonstrating that the hedgerow did not need to be removed to facilitate the works and a method statement to ensure its protection, some further concerns were raised relating to whether 1m was sufficient as a buffer zone and how that was calculated, the British Standard guidance that was referenced and the lack of information detailing what protective measures would form the buffer zone such as BS5837 2012 compliant fencing. Following the receipt of answers to these queries, it was confirmed that the **answers were adequate and covered off the concerns**.

6.6. CDC ECOLOGY: Agreed with the comments of the Arboricultural Officer regarding the storing of the hedgerow for later re-instatement and agreed that additional information be provided. **Concern raised** regarding the positioning of some lighting columns to the west of the site which are within or adjacent to the existing hedgerow to be retained as they are likely to unavoidably cause an unacceptable amount of

light spill into the hedgerow if sited in that location. They should be sited further into the car park and their number reduced.

- 6.7. Following the receipt of additional information demonstrating that the hedgerow did not need to be removed and a method statement to ensure its protection, the Ecologist considered this to be satisfactory however there was concern that works should not occur as close as 1m to the hedgerow during the bird nesting season unless it has been first checked for nesting birds by a competent person otherwise, this proximity could cause disturbance which would be an offence.
- 6.8. OCC HIGHWAYS: **Object** on the grounds that the proposal is likely to have an adverse impact on the local highway network from a traffic and safety point of view. The main concern is the loss of the 7 car parking spaces, which, combined with the 5 previously lost gives a total of lost spaces of 12 meaning the originally approved 149 spaces would fall to 137. The following points are made:
- OCC's car parking formula for hotels is based on 1 car parking space per bedroom. This takes into account staff car parking as well as restaurant and conference facilities.
 - The risk of insufficient parking provision is:
 - Overspill parking onto Wendlebury Road could jeopardise Sustrans Cycle Route 51, which is due to be upgraded.
 - Overspill parking could also jeopardise the bus route due to be provided to serve the Bicester 10 allocated site.
 - The reliance on parking at the Park and Ride site is unacceptable as customers would have to use an uncontrolled crossing over a 5 arm roundabout, which would be unsafe if individuals do not use the crossings. The P&R car park is also subject to a time restriction making it unreliable and unattractive as overspill parking. It was also designed to reduce pressure on the local highway network providing bus connections. It was not designed as an overspill car park.
 - The applicant should explore other options including a reconsideration of the location of the foul water compound or if there is no other location for the infrastructure, other options for parking such as the garden centre.

- 6.9 THAMES WATER: **comments** that the surface water and foul water conditions referenced can be discharged based on the information submitted.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2. 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)

- SLE4 – Improved Transport Connections
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment

- ESD15 - The Character of the Built and Historic Environment
- Bicester 10 – Bicester Gateway

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

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

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

8. APPRAISAL

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

- Principle of development
- Design, and impact on the character of the area
- Amenity
- Trees and Vegetation/ Ecology
- Highway Safety
- Environmental Considerations
- Service Provision

Principle of development

- 8.2. The need for any development, including a hotel to be provided with essential infrastructure including that related to foul drainage is vital to the acceptability of a proposal in principle. In this case, a condition was imposed on the original outline for the site (ref: 16/02586/OUT) to require a foul drainage strategy to be approved by the Local Planning Authority, in consultation with the sewerage undertaker (Thames Water) prior to development commencing. This pre-commencement condition was approved following the receipt of information (drawings and a Technical Note) setting out the arrangements which were considered to be acceptable as it demonstrated that wastewater could be adequately accommodated within the public sewer system.
- 8.3. That proposed arrangement was for the foul water discharge to be collected by a new onsite gravity pipe system which would outfall to a new private foul water pumping station in the northern area of the Phase 1A site and with a parallel rising main installed adjacent to the proposed cycleway within the public highway to the west of the site. The plan showed the private pumping station in the area of green space to the north west of the originally planned parking spaces.
- 8.4. In the covering letter supporting this application, the applicant's agent explains that during the construction process and whilst engaging with Thames Water as part of the sewer adoption process, the previously proposed arrangement did not meet Thames Waters specification for adoption and that a privately maintained solution in this location would not be acceptable to them. This proposal is therefore made to provide an arrangement that meets Thames Water's requirements and would allow it to be adopted in due course.
- 8.5. Through consultation on this application, Thames Water have not raised an objection to the proposed arrangement. On this basis and the fact that the works are necessary to provide for a foul water drainage arrangement that meets the

necessary standards and can be adopted, it is considered that the principle of the development is acceptable.

Design and Impact on the character of the area

- 8.6. Policy ESD15 of the Cherwell Local Plan requires development to meet high design standards and to complement and enhance its surroundings.
- 8.7. In terms of the location, the submission confirms that in order for Thames Water to adopt the infrastructure, it must meet a number of design criteria in terms of dimensions and layout. In addition, it must be necessary for the foul water network on site to connect into existing Thames Water infrastructure offsite. This has dictated the location of the compound.
- 8.8. The reserved matters application for the hotel site would have considered the design, layout and landscaping impacts for the site as a whole to ensure that the site met the requirements of planning policy and represented good design. The current proposal represents an ancillary addition to the car parking area and so it is necessary to consider what impact it will have upon the site and what impact the current proposal has in terms of meeting policy requirements.
- 8.9. This proposed infrastructure is to sit adjacent to the previously approved compound housing the LPG tanks to the north of the car parking area. The position will be visible from the car park but being within proximity to other essential infrastructure means that the impact of this type of associated infrastructure is contained to one location. The enclosure for the pumping station is relatively large and will be contained by weldmesh fencing which is more industrial than the timber fencing on the adjoining LPG enclosure. However it will be coloured green which will help soften its visual impact when viewed against the backdrop of vegetation, and this is required to meet Thames Water requirements and would not be a solid enclosure so allowing some views through which in my view is, on balance, acceptable.
- 8.10. The proposal is to be positioned partly on car parking spaces and partly on the area identified for the private foul drainage infrastructure approved by the original discharge of condition and so its impact on the approved landscape scheme is minimal (only one tree appears to be lost). There may be an impact upon the existing boundary vegetation which will be discussed below.
- 8.11. On the basis of the above, whilst the provision of this infrastructure is less than ideal, it is necessary, and I consider that the chosen location is suitable and that it will not be harmful more widely than the immediate site environs. As such, the proposal complies with Development Plan policies that seek to secure good design.

Amenity

- 8.12. There are no residential properties within the vicinity of the site that would be affected by the proposed development. The compound is also positioned far enough away from the hotel building itself to avoid impacts upon guests of the hotel. The proposal therefore would provide a standard of amenity acceptable in policy terms.
- 8.13. A query was raised by the Parish Council regarding what measures are in place to deal with various matters including noxious smells. On the basis that this is normal site infrastructure and has been designed to meet Thames Water's requirements as the statutory undertaker and to be adoptable by them, it is considered that they will have built in required safeguards to ensure the scheme is suitable in this respect.

Trees and Vegetation/ Ecology

- 8.14. The proposal was originally accompanied by a report regarding the need to move a 15m section of hedgerow on the western edge of the site (between it and the A41) for a temporary period, store it and then re-instate it back once construction works had been undertaken. As reported within the consultation responses, the Arboricultural and Ecology Officers raised a number of concerns with this proposal in respect of the detail provided for consideration and the likelihood of success.
- 8.15. Following consideration of these concerns, further information was provided to demonstrate that it would not be necessary for the hedgerow to be removed but that protection measures could be implemented to ensure its retention and long-term health by the provision of a 1m protection zone from the spread of the hedgerow. Following the receipt of additional information in response to queries raised by the Arboricultural Officer, it has been confirmed that the proposal is acceptable.
- 8.16. On this basis, it is considered reasonable to assume that the hedgerow will be protected for the duration of the works and so a planning condition is recommended to ensure the application proceeds in accordance with the submitted note relating to the Hedgerow Root Protection area and to ensure acceptable protective fencing in line with BS5837:2012 requirements is put in place. It is also considered necessary to ensure that the works are undertaken outside of the bird nesting period or, where this is necessary, that an ecological check is first undertaken to ensure that there are no nesting birds that could be disturbed by the development which would otherwise represent an offence.

Highway Safety

- 8.17. As reported, the Highway Authority raise an objection to the proposal based upon the loss of 7 car parking spaces and the fact that combined with the previously approved loss of 5 spaces, this would leave just 137 spaces for a 149 bed hotel. The original proposal was to provide for 149 spaces giving a ratio of one per hotel room which follows OCC parking standards guidance. It is understood that one space per hotel room also allows for staff parking and other facilities such as conference rooms.
- 8.18. Whilst the loss of further parking is regrettable, I am not convinced that this reduction is significant in terms of causing a serious highway safety risk that could justify this proposal being refused. This is because the number of occasions that the hotel is fully occupied with the occupier of every room bringing a car is likely to be limited in my view (given groups often travel together), there are other options in the area in the unlikely scenario that guests cannot park and if a significant parking issue occurred, it would be in the interests of the hotel operator to find a solution to ensure their business continued to be attractive to guests. I am also not convinced that guests would leave their car on the Wendlebury Road given its characteristics and the lack of natural surveillance.
- 8.19. On this basis, I consider that the 137 parking spaces remaining to serve the hotel is sufficient to provide a satisfactory level of parking and that this would not have an adverse impact on the local highway network. Whilst OCC do not agree with this, I do not consider this a matter that would be defensible at appeal if the application were to be refused based upon lack of parking.

Environmental Considerations

8.20. The Environmental Health Team have raised no objections to the proposal and on this basis, I consider that the proposal is acceptable in terms of environmental matters.

Service provision

8.21. Service drawings have been provided and show how the new proposed infrastructure is served. One of the plans shows a lighting layout and this seems to show some amendments compared to the previous lighting plan approved as part of discharging a condition on the reserved matters consent for biodiversity enhancement measures. Whilst the Ecologist has raised some concern with the lighting shown adjacent to the western hedgerow, lighting has been approved along this boundary and also along the nearby 3m wide footway. As such, I am not convinced that what is shown is unacceptable.

8.22. Notwithstanding the above, the proposed lighting is outside the red line site boundary for this application and so cannot be approved under this application in any event.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. As per the appraisal, I consider that the proposal represents an acceptable form of development and therefore complies with planning policy. In light of this, the application is recommended for approval.

10. RECOMMENDATION

That permission is granted, subject to the following conditions

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

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

2. The development shall not be carried out otherwise than in complete accordance with the approved plans: Drawing numbers BGH-NOR-SP-A-1011 Rev P03 (Proposed Site Location Plan/ Boundary Illustrating Foul Water Pumping Station), BGH-NOR-DE-A-6809 Rev P02 (Thames Water Foul Pumping Station Proposal), 10 J6/01060 (Sales Drawing for Euroguard Flatform Medium Fencing 1.83m High), M19002/M/500 Rev F (External Incoming Water, Gas & Fire Hydrants Layout) and the following: Method Statement relating to Hedgerow Root Protection, Technical Note 1: Foul Water Drainage Addendum dated 17/12/2019 and Foul Water Pumping Station Design Specification note dated 22 October 2019 unless a non-material or minor material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).

Reason – For the avoidance of doubt, to ensure that the development is carried

out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

3. The development hereby approved shall be undertaken so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the adjacent hedgerow has first been checked by a suitably qualified ecologist to ensure that there are no nesting birds that would be disturbed by the development. If nesting birds are found, no development shall commence until the last young has fledged.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat in accordance with the Government's aim to achieve sustainable development as set out in Section 15 of the National Planning Policy Framework.

4. In accordance with the submitted Method Statement relating to Hedgerow Root Protection, no development shall commence until tree protection measures which comply with the specification set out in British Standard BS5837:2012 'Trees In Relation to Construction – Recommendations' have been installed to protect the adjacent hedgerow to the west of the site. The tree protection measures shall be retained on site for the duration of the works and nothing shall be stored or placed within the area so protected.

Reason: To ensure the continued health of the retained hedgerow to the west of the site and to ensure that it is 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.

5. Any trees or plants within the existing hedgerow that is required to be retained under condition 4 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.

Case Officer: Caroline Ford

DATE: 26 March 2020

Checked By: Alex Keen

DATE: 31 March 2020
