

# Land off Rodney House Roundabout, Graven Hill

**Proposed Health Hub with associated landscaping, access and parking**

## Planning Statement

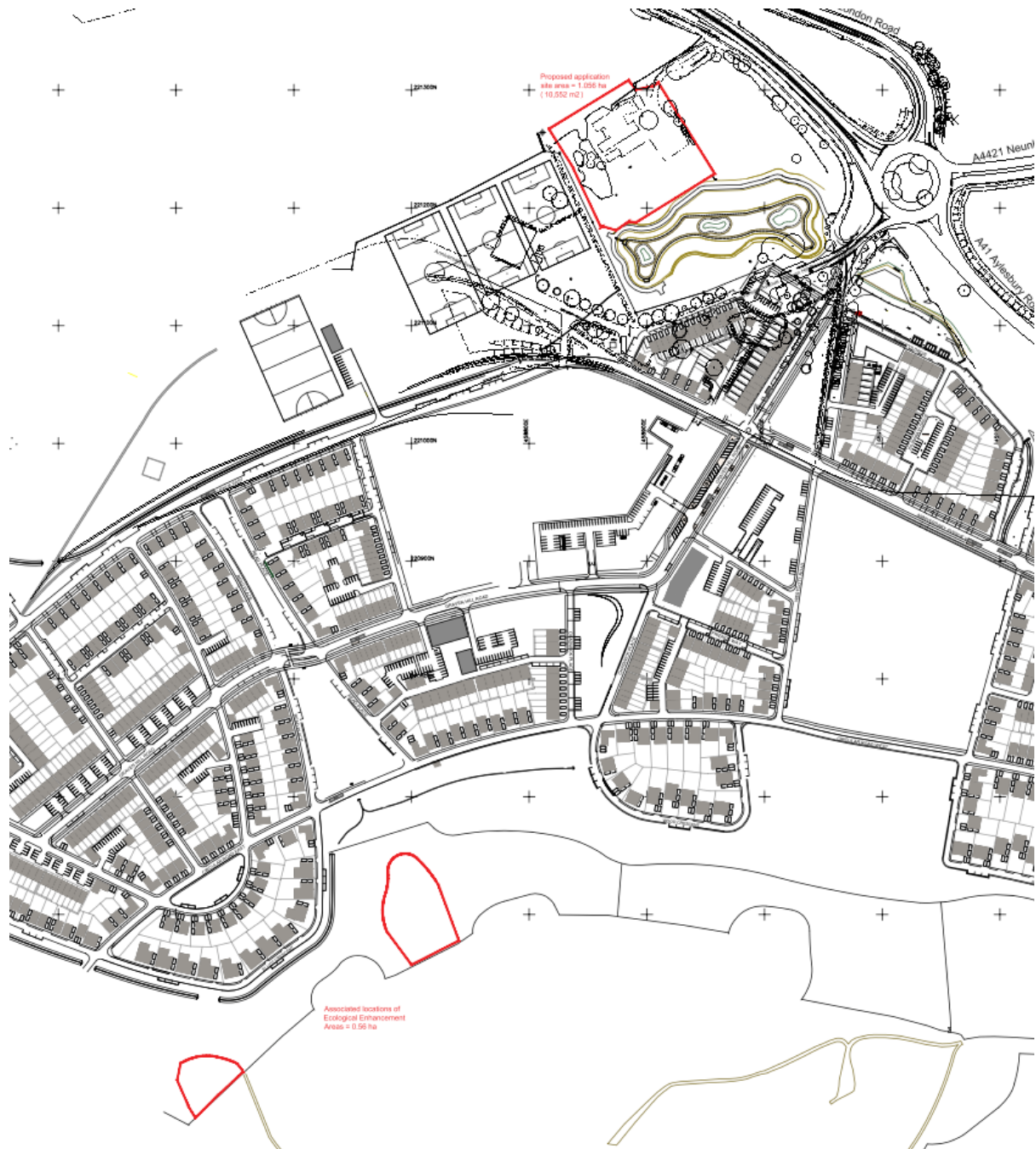
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## Land off Rodney House Roundabout, Graven Hill



*Fig 1: the application site.*



## 1. Introduction

- 1.1. This Planning Statement has been prepared to accompany a planning application for the erection of a new health hub at Graven Hill.
- 1.2. The proposal is to amalgamate a number of existing GP practices within Bicester, re-locating them to the proposed site to create a large health hub. The hub would provide a range of health services on the site including a pharmacy. It is intended that the health hub would serve the wider population of Bicester.
- 1.3. The proposed three-storey building measures 3,350sqm, incorporating primary care, integrated health & a wellbeing hub including pharmacy retail space (3,200sqm GMS plus a 150sqm pharmacy). The centre is designed to accommodate a later extension of c.500sqm, if required, to be able to cater for longer term population growth. 223 car parking spaces are also proposed.
- 1.4. The DAS explains the hub is urgently required to meet the growing demand for primary care capacity from the rising Bicester population from substantial new housing developments. The current surgery premises are much too small to cater for such a large increase, and while they are in good condition, they will no longer be suitable for this size of patient list to provide modern healthcare delivery.
- 1.5. Accordingly, the proposed Health Hub will replace 4 existing GP surgery premises into a single integrated location at the geographical centre of the combined patient catchment area, with a new single integrated primary care hub for Alchester Medical Group / Montgomery House Surgery and a new retail Pharmacy / Dispensary. The proposals also include 223 car parking spaces, bays for ambulances, servicing bay, mobile medical unit bay, electricity sub-station, waste / recycling store, cycle store & landscaping. In addition, the application includes separate areas for bio-diversity enhancement.
- 1.6. To accommodate this size of building with appropriate car parking, a site of 2.5 acres was required. This was taken into account in selecting the preferred site for the new development, and in the public and patient engagement processes that have been worked through over the last 18 months.
- 1.7. The Design and Access Statement (DAS) explains the GPs concerned have long recognised the need to resolve the space constraints in their current surgery buildings. They explored ideas about how best to provide the additional premises capacity required in a sufficiently deliverable and cost-effective way to offer the resilience and future proofing they are seeking while catering for substantial local population growth that would take the combined Practice list up to 50,000.



- 1.8. The intention is for the new Health Hub to become a Centre of Excellence, to include more medical student placements with the Deanery, as well as increased GP Registrars. This is intended also to expand to encompass nurse training.
- 1.9. A Schedule of Accommodation was prepared showing the new health facilities required 69 clinical rooms. The building layout will give each Practice its own identity to provide patient choice, while including many shared facilities to reflect growing service needs and the requirements for community, same-day and emergency care (including mental health and counselling).
- 1.10. The proposed Health Hub is designed for flexible use, to serve a patient population of 50,000 and potential for a future extension to serve the population which is forecast to rise over the next 5-10 years to 60,000. Shared space will allow a possible later merger between the practices. It will meet all statutory and infection control requirements, allowing the Practices to offer more services to local patients and support Oxford CCG in moving more patient care from secondary care into the community. It will also help to deliver the CCG's agenda of clinical service redesign and transformation of care pathways with the opportunity for operational cost savings, as the local population increases. Facilitating more GP and nurse training will allow the hub to become a Teaching & Training Centre of Excellence.
- 1.11. Shared facilities will include:
- GP Same-Day Care Suite;
  - Staff welfare facilities;
  - Patient education rooms;
  - Teaching and Training accommodation;
  - Minor surgery suite;
  - Patient Services office area, and;
  - Main Administrative office area.
- 1.12. The proposed new health & wellbeing hub will also be available for other visiting health care professionals to use. The design specifically reflects access to important patient groups, including dementia, autism, learning disabilities and mental health, in addition to normal disability access requirements. Patient segregation requirements and the latest technology are also taken into account, including e-consulting rooms and digital access, to provide a post-Covid-19 complaint working environment.
- 1.13. Current parking numbers across the three main existing surgeries total just 125 spaces. This number is insufficient to cater for the current demand as many patients and staff double park and park on nearby residential streets. The new hub is designed with 223 parking spaces, of which 221 are allocated for the GMS space and 2 for the pharmacy.



- 1.14. Access to the site is the subject of a separate planning application currently before the local planning authority, for the proposed Western Access Road within the wider Graven Hill development, including a proposed new highway junction to the spine road.
- 1.15. The proposed landscaping will include a sensory garden as well as the retention of the existing and planting of new native trees and hedgerows.
- 1.16. This Planning Statement considers these proposals against policy and all other material considerations. The application is also supported by the following reports as agreed with the Local Planning Authority:
- Arboricultural Impact Assessment and Tree Survey
  - Archaeological Written Scheme of Investigation
  - Biodiversity Net Gain Assessment
  - Design and Access Statement;
  - Ecology;
  - Energy/Sustainability;
  - Ground Conditions;
  - Landscape
  - Sustainable Drainage;
  - Transport Statement, and;
  - Travel Plan.



## 2. The Site and Surroundings

- 2.1. The site forms part of the Graven Hill Village development, comprising residential led mixed use development and was previously shown as open space. It is located at the northern edge of Graven Hill Village close to the main entrance junction off the A41 Bicester to Aylesbury road.
- 2.2. The site is bounded to the east by Graven Hill Road and the A41, and to the south by Anniversary Avenue. It has an area of 1.05ha. A plan of the wider development is attached at Appendix 1.
- 2.3. The site is broadly level, with a slight fall from west to east leading down towards the neighbouring wetland habitat area and man-made open drainage attenuation pond. Levels across the site are generally flat,. Levels fall from 68.0m down to 67.5m, with no discernible fall north/south.
- 2.4. 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). The site therefore now comprises a disused area of hardstanding surrounded by unmanaged areas of tall ruderal vegetation, dense scrub and scattered trees. A small part of the site is presently used as a site compound for construction activities on the wider Graven Hill site.
- 2.5. A large mature hedgerow to the north, running east to west, is to be retained and protected.



### 3. Policy Context

- 3.1. Decisions on planning applications are required by national policy and legislation to be made in accordance with the policies of the development plan unless material considerations indicate otherwise.
- 3.2. The existing development plan comprises the Cherwell Local Plan Part 1: 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 3.3. The key other material consideration in the consideration of this proposal are the Revised National Planning Policy Framework (NPPF), and the existing planning permission for the site, which is dealt with in the next section.
- 3.4. Policy PSD 1: Presumption in Favour of Sustainable Development sets out the Council's approach to the consideration of planning applications in this context, confirming that planning applications that accord with the policies in this Local Plan will be approved without delay unless material considerations indicate otherwise, taking into account whether:
  - any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
  - specific policies in the Framework indicate that development should be restricted.



## 4. The Principle of Development

### 4.1. CLP policy BSC8 states:

*“The Council will support the provision of health facilities in sustainable locations which contribute towards health and well-being including the replacement of the Bicester Community Hospital.”*

### 4.2. There are two issues of principle; the relationship of the proposal to the existing planning permission, and the principle of a health hub in this location.

### 4.3. The wider Graven Hill site was granted planning permission on the 8<sup>th</sup> August 2014 under reference 11/01494/OUT for

*“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”*

### 4.4. The current planning permission for the whole site, following a series of minor amendments, is reference 19/00937/OUT.

### 4.5. The current proposal is outside the scope of the existing planning permission; however, it needs to be considered against details approved under that decision. This shows the land in question as proposed open space; as such, the issue is the overall quantum of open space provided for the existing development.

### 4.6. In this respect, the relevant part of CLP policy BSC10: Open Space, Outdoor Sport and Recreation Provision requires that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals. CLP policy BSC11: Local Standards of Provision – Outdoor recreation sets requirements for the amount of open space of different types to be provided per head of population.





- 4.7. The current land use plan for the development of the wider site is confirmed in Condition 2 of 19/00937/OUT as 1982-A-L-040 AB [Land Use Plan] as Amenity Space (see Appendix 1). This would fall within the policy definition of 'General green space (parks and gardens/natural semi-natural/amenity green space)'.
- 4.8. 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 27.64 and amenity woods 10.39) provides a total of 72.97ha of general green space. The site area for the application measures 1.06ha, meaning that there is a remaining 71.91ha of general green space.
- 4.9. CLP Policy Bicester 2: Graven Hill allocated the site for 2,100 dwellings. Multiplying this by an average household size of 2.4 people would give a population of 5,040.
- 4.10. CLP policy BSC11: Local Standards of Provision – Outdoor recreation sets a requirement of 2.74 ha per 1000 rural/urban edge dwellers, equating to a minimum requirement of 13.61ha of general green space. It can be seen that even without the inclusion of the application site, there is more than five times the amount of general green space required on site. The proposal will therefore not result in a shortage of general green space or other outdoor recreation space.
- 4.11. There is no development plan policy with regard to the second issue of principle; the location of a health facilities.
- 4.12. The proposal is therefore shown to meet the requirements of CLP policy BSC8.
- 4.13. It is understood that proposals for a Health Hub have been approved at Kingsmere, and Officers objected to the current proposal on that basis at pre-application stage. The applicant therefore sought Counsel's Opinion (Appendix 2). This confirms that the current proposal must be assessed on its own merits: if the scheme is acceptable on its own merits, then the Council's preference for an alternative site is irrelevant.
- 4.14. Issues of accessibility are dealt with in Section 9.



## 5. Ecology and Landscape

- 5.1. CLP Policy Bicester 2: Graven Hill details that Graven Hill Developments should also target an overall biodiversity net gain, stating

*“Development that respects the landscape setting and that demonstrates enhancement, restoration or creation of wildlife corridors, and that respects the relationship between the woodland and open areas of Graven Hill and the development through the creation of ‘green fingers’ leading into the development area.*

*Biodiversity protection and enhancement measures should be implemented in any future development. Protected species surveys for bats and great crested newts will be required, and sufficient mitigation measures agreed prior to planning permission being granted.”*

- 5.2. NPPF para 170 requires planning decisions to contribute to and enhance the natural and local environment, including minimising impacts on and providing net gains for biodiversity.
- 5.3. Waterman Infrastructure & Environment Ltd (Waterman) have carried out both Ecological and Arboricultural Impact Assessments. The former presents the methods and results of an ecological data search, ‘Extended’ Phase 1 Habitat Survey, common invasive plant species survey and a Preliminary Roost Assessment (PRA) for roosting bats at the trees present on Site.
- 5.4. The assessment explains there have been a series of earlier similar surveys related to the development of the wider site. As a consequence, the current application site was subject to a great crested newt translocation exercise in 2016, and an amphibian barrier fencing remains present at the Site to ensure the site remains free of these species. The assessment also notes the lack of any buildings, and hence roosting opportunities on site.
- 5.5. As well as great crested newt, the results found no evidence of other reptiles or badgers. Overall, the assessment concludes the site is of limited value to protected and / or notable species, providing nesting opportunities for breeding birds and foraging habitat for invertebrates and in turn bats. The site is also considered to provided limited opportunities for notable or protected terrestrial invertebrate species. No specific mitigation measures are considered to be required, and no further surveys for notable and / or protected species are required.



- 5.6. Recommendations are made in respect of new landscaping using of native plant species, and the type of compost and pesticides to be used. Four bat and four bird boxes are recommended, as well as habitat for invertebrates. A sensitive lighting strategy is recommended to prevent light spill on to the bat boxes within the Graven Hill mitigation area to the east of the Site and to all boundary habitats.
- 5.7. The Arboricultural Impact Assessment explains that the design process has been guided by the results of a tree survey undertaken in July 2020. That survey assesses and records 18 individual trees and groups of trees. It explains some arboricultural features should be removed for reasons of sound arboricultural management irrespective of any development proposals, whilst others will be removed to facilitate the development. It confirms a total of 32 new trees will be included as part of the Development to compensate for the loss of these trees.
- 5.8. Waterman have accordingly provided landscape plans for the proposals, included in the application.
- 5.9. A Construction Environmental Management Plan (CEMP) is also recommended for site preparation and construction, providing a framework within which to monitor, avoid or minimise likely impacts to potential ecological receptors adjacent to the site.
- 5.10. CLP policy ESD 10: Protection and enhancement of Biodiversity and the Natural Environment sets a series of criteria for the Protection and enhancement of biodiversity and the natural environment, including:
- “In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources”*
- 5.11. The NPPF encourages the planning system to contribute to and enhance the natural and local environment. This should be achieved by:
- “Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitment to halt the overall decline in biodiversity, including by establishing ecological networks that are more resilient to current and future pressures”*
- 5.12. Waterman have accordingly produced a ‘Technical Note – Biodiversity Net Gain Assessment’. The baseline biodiversity unit value of the application site was determined using nationally recognised standards, namely the Biodiversity Metric 2.0 Calculation Tool (Beta Test December 2019 Update – 2019/12/19) using the ‘Extended’ Phase 1 Habitat Survey, an accurate measurement of on-site habitats and hedgerows and their condition, and professional judgement.



- 5.13. The BNG Assessment confirms that the proposals will provide a habitat biodiversity net gain of 0.04%, and no loss in hedgerow biodiversity.
- 5.14. An area of land at known as 'Receptor site 3' at grid reference SP585205 approximately 0.8km south-west of the Site, within the wider Graven Hill Site, has been approved for use for biodiversity offsetting. Proposals for this off-site habitat include the planting of native trees through accelerated succession.
- 5.15. It therefore confirms that the proposed habitat creation, succession and mitigation for the Site is compliant with local planning policy.

*"The use of off-site habitat for biodiversity offsetting in order to achieve an overall BNG, provides an added benefit to ecology at the wider Site through extending habitat of high ecological value already present, opposed to additional planting on-Site at low ecological value habitat. The inclusion of newly planted woodland, provides more suitable habitat for local BAP species including swift *Apus apus*, and in the future will provide additional habitat to those species potentially affected by the Development such as bats (local BAP species) and other bird species. In summary, this additional off-site habitat is of greater benefit to local BAP species than additional soft landscaping on-Site."*

## 6. Ground Conditions

- 6.1. NPPF para 170 requires that planning decisions should, prevent new development from being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, or noise pollution. NPPF para 180 requires that planning decisions should also ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health and living conditions.
- 6.2. A Phase 1 Desk Study is submitted, prepared by Harrison Geotechnical. The report provides environmental and geotechnical information for the development. Potential geotechnical hazards are identified as the possibility of shrinkable deposits within the bedrock deposits of mudstone immediately underlying the site, and backfilled land. The report notes that the nature of the deposits expected depth to groundwater level mean conventional soakaways are unlikely to be suitable for the development.
- 6.3. In terms of contamination, the report considers that historical activity is unlikely to have caused significant contamination, however, demolition of buildings, storage tanks, potential for spills/leakage, general waste, building demolition and the resulting waste piles now present on site may present an issue.



- 6.4. An intrusive investigation is therefore recommended, to both identify if contamination is present, and if so, assess risks posed to sensitive receptors, and to confirm foundation design. These matters can be dealt with by conditions to ensure they are dealt with prior to development.

## 7. Heritage

- 7.1. The site lies within an area of archaeological interest.
- 7.2. CLP policy ESD15 The Character of the Built and Historic Environment requires, inter alia, that development should:

*“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage’s At Risk Register, into appropriate use will be encouraged*

*Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.”*

- 7.3. The NPPF encourages planning authorities to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance (Para. 200).
- 7.4. NPPF para 189 requires applicants to describe the significance of any heritage assets affected by a development proposal, including any contribution made by their setting. It requires that:

*“The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

and that:



*“As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary.”*

- 7.5. NPPF para 195 states that where a proposed development will lead to substantial harm or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. NPPF para 196 continues that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 7.6. The archaeological and historical background of the wider Graven Hill Site was agreed as part of the original OPP for the site, as prepared by Amec in 2011.
- 7.7. An archaeological excavation was subsequently undertaken in preparation for the pond excavations to the south of the site, which included a small proportion of the Site’s most south- eastern corner. This area was previously identified as having potential for Roman activity following evaluations between 2016-2017.
- 7.8. A Written Scheme of Investigation (WSI) for archaeological excavation is provided with the application, prepared by Waterman. This presents an outline methodology for a programme of archaeological works comprising excavation, which has been prepared in response to proposed works to the Site, and takes into account the results of previous archaeological works in the area. It is intended to form the basis for a subsequent detailed method statement(s) completed by fieldwork contractors, for each phase and/or sub-phase of the archaeological works, as appropriate.
- 7.9. The WSI explains that the results of any intrusive investigation will need to be the subject of post-excavation assessment. The reports resulting from the fieldwork will present a digest of information on the character and significance of any archaeological assets identified. It sets out the form of recording system, in accordance with national standards, explains how it is proposed finds will be treated. It states how the draft excavation report is to be provided to both Waterman and Oxfordshire County Council for approval, and sets out proposals for the final publication and dissemination of results.



## 8. Design

8.1. Policy Bicester 2: Graven Hill deals with the wider site allocation of which this development forms a part. This sets a series of site specific design and place shaping principles which are dealt with in this and other supporting documents, and particularly how the proposal complies with Policy ESD15.

8.2. Policy ESD 15: The Character of the Built and Historic Environment is the successor to Saved CLP 1996 policy C28, Layout, design and external appearance of new development. ESD 15 requires new development “to complement and enhance the character of its context through sensitive siting, layout and high quality design”, whilst “All new development will be required to meet high design standards.” The policy also sets a series of criteria to assess proposals against.

8.3. NPPF para 124 states:

*“the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. ...”*

8.4. NPPF para 127 states planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*



- f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*

8.5. The submitted Design and Access Statement sets out the rationale behind the building design, in detail. In terms of the specific requirements of ESD 15, in summary, the design responds as follows:

- i. *“Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions. Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions.”*

and

- ii. *“Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity”*

The DAS explains that:

*“The proposed development is the result of extensive public consultation and engagement over 18 months to deliver the premises strategy of Oxfordshire CCG. The project complies commissioned in 2018 by the CCG to review Bicester’s capacity requirements for primary care premises, taking into account the substantial population growth projected for the next 5-10 years.”*

*“GP and user group design meetings have been utilised to refine and develop the design solutions and these have continued in advance of the formal submission of the planning application. Cherwell District Council have been involved through solution developed in support of this planning application.”*

*“Information meetings were hosted by the GPs for patients, discussion and questions answered.”*

- iii. *“Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting”*





The site has relatively few features of note at present and is relatively flat. DAS explains how the proposals are designed to relate to and complement their setting. In particular, the retention of existing mature trees to the southern boundary will enhance the attractive approach to the new building, whilst the existing mature hedgerow to the north will be retained

- iv. *“Conserve, sustain and enhance designated and non-designated ‘heritage assets’ (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. Regeneration proposals that make sensitive use of heritage assets, particularly where these bring redundant or under used buildings or areas, especially any on English Heritage’s At Risk Register, into appropriate use will be encouraged”*

and

- v. *“Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.”*

See Section 7 of this document. This explains that heritage issues relate to archaeology, and sets out a methodology for the investigation and recording the site.

- vi. *“Respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages”*

Whilst existing context is limited due to the nature of the site, the DAS explains:

*“The site layout feels both intuitive and welcoming because the building entrance location is logical and clearly visible from circulation routes that lead through attractive landscape places. Public open spaces connect the new building with the surrounding community for both active and passive therapeutic benefit.”*



*“A variety of materials within the hard landscape emphasises primary routes towards the health hub and creates a hierarchy of footpaths, while complementing the materials used on the building façade.”*

- vii. *“Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette.”*

The DAS explains:

*“The new health and wellbeing centre is generally three storeys in height with a flat roof and parapet. The overall scale and massing is reduced by splitting the elevations with vertical recesses and changes in materials*

*The top storey is also set back from the two storey element to reduce the overall scale and height, also expressed with a change in materials.”*

*“In response to the brief, site location and associated Graven Hill Design Code the proposals comprise;*

- *Robust, low maintenance and simple detailing to respect and convey similar qualities to that of the former military architecture associated with Graven Hill*
- *An understated and restrained palette of materials to appear discrete in it's rural, natural surroundings and also minimise visual impact upon nearby residential area*
- *Respect the character of Gateway Park / Sports amenity area*
- *Facing material predominantly heavy textured masonry brick in light blend of white, blueish grey, pale oolitic limestone colours*
- *Solid two storey elevations, split into quarters with a lightweight third floor and a contrasting openness to inner courtyard elevations*
- *Vertically express the entrances, stairs, waiting and sub waiting, spaces, and also mark the horizontal storey heights and roof parapets with smooth contrasting string courses*
- *Recessed tall window openings with fixed over panel and inward opening side lights with louvres for natural ventilation”*



- viii. *“Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features.”*

The DAS explains how the landscape design creates a therapy garden as a setting for the health centre, comprising a tranquil area, a sensory area and a courtyard space within the centre of the building, as detailed in the submitted plans.

*“The tranquil area provides a seating area which is backed by shrub planting and shaded by trees. This sheltered space features a sculpture in its centre as a focal point. It should enable visitors to sit in a calm space where they can reflect and relax.”*

*“The sensory area creates an interactive space, where the planting selection features an abundance of textures, smells and colours which stimulate the senses. Seating among the plants enables visitors to be engulfed in the sensory experience. Raised beds with herbs for interaction and use for therapy sessions. A sculpture creates a focal point & visual connection with the tranquil space.”*

*“The courtyard is an aesthetic feature which provides light to the health hub and visually brings the outdoors into the building. This will be what visitors see as they enter the reception area. Trees and low growing shrubs and ferns should create a woodland centre of the space should create a visual connection to the therapy garden at the entrance of the building.”*

- ix. *“Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing. The principles set out in The Manual for Streets should be followed.”*

As well as the approach to the public space set out in (iv), the DAS explains that public, active frontages are provided to the East and South, the main access being approached through green space, with linkages with the existing wetland habitat pedestrian routes beyond.

*“These entrance routes will be level approaches with no steps or obstructions and enlivened with activity though the amenities included.”*

The entrance is *“...articulated at the point of entry by a projecting canopy. This route provides direct access to the main reception internally.”* Secure cycle



storage facilities are located under the projecting entrance canopy, ensuring passive supervision by the general movement in the vicinity.

- x. *“Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space”*

See Section 9 below.

- xi. *“Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.”*

The proposals include a lighting scheme designed to ensure these requirements are met.

- xii. *“Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation.”*

The detailed design process is referred to in the response to (i) above. Whilst Building for Life does not apply, the DAS explains that the building will meet Secured by Design requirements. The new building will also be accessible to all and compliant with the Equality Act (DDA) both internally and externally

- xiii. *“Consider sustainable design and layout at the master planning stage of design, where building orientation and the impact of microclimate can be considered within the layout.”*

The DAS explains:

*“The original site concept aimed to mitigate potential road noise and pollution from the A41 to the East by locating the building towards the western boundary overlooking the sports pitches. This in turn maximises potential use of natural ventilation.”*

- xiv. *“Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context (also see Policies ESD 1 - 5 on climate change and renewable energy).”*

See Section 10 of this document.

- xv. *“Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible (see Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment and Policy ESD 17*



*Green Infrastructure). Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality."*

See Section 5 of this document

xvi. *"Use locally sourced sustainable materials where possible."*

The DAS confirms:

*"Our solutions as illustrated are thus to utilise a combination of masonry facing brickwork and aluminium cladding as the elevation materials. The masonry facing brickwork shall be used at ground floor levels to provide a robust and low maintenance finish.*

*The materials will be sought locally also ensuring low embodied energy and a Green Guide A rating. The soft and soothing hue of the brickwork further enhances the aspirations for a therapeutic healthcare environment."*



## 9. Transport and Parking

### 9.1. CLP Policy SLE 4: Improved Transport and Connections states:

*“The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections... New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development. All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*

### 9.2. ‘Connecting Oxfordshire’, the Local Transport Plan, sets out Oxfordshire County Council’s policy and strategy for developing the transport system in Oxfordshire to 2031. Policy 17 states:

*“Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport”*

### 9.3. The Active & Healthy Travel Strategy within OCC’s Connecting Oxfordshire: Local Transport Plan 2015-2031 (paragraph 3.28, p.12) states that:

*“Developers must demonstrate through master planning how their site has been planned to make cycling convenient and safe, for cyclists travelling to and from major residential, employment, education, shopping and leisure sites within 5-10 miles, and also within and through the site.”*

### 9.4. Walking and cycling schemes themselves are required to follow guidelines in the Oxfordshire Walking and Cycling Design Standards and Residential Road Design Guide.

### 9.5. Bicester Area Strategy Policy BIC 4 states:

*“To mitigate the cumulative impact of development within Bicester and to implement the measures identified in the Bicester area transport strategy we will secure strategic transport infrastructure contributions from all new development”*



9.6. NPPF para 102 states:

*“Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:*

*a) the potential impacts of development on transport networks can be addressed;*

*b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;*

*c) opportunities to promote walking, cycling and public transport use are identified and pursued;*

*d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and*

*e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes and contribute to making high quality places.”*

9.7. NPPF para 103:

*“Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.”*

9.8. NPPF para 104 requires developments to:

*“Provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).”*

9.9. NPPF para 108 states:

*“In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*



*(a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*(b) safe and suitable access to the site can be achieved for all users; and*

*(c) 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.”*

9.10. Paragraph 109 also notes that proposals should:

*“Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.”*

9.11. Scoping discussions were undertaken between Waterman and OCC to determine the extent of the traffic assessment required to support the application.

9.12. The assessment reviews trips predicted to be generated by the proposed Health & Wellbeing Hub and their likely distribution in order to determine the likely impacts of increased vehicular traffic.

9.13. The assessment estimates that the proposed Primary Health Care Hub at Graven Hill could generate an additional 222 two-way vehicular trips during the morning peak hour and 133 two-way vehicular trips during the evening peak hour. Junction modelling results demonstrate that the existing junctions surrounding the site will still operate within capacity in 2026 and 2031. In accordance with guidance, the current junction arrangements are shown to be suitable to accommodate the increased trips associated with the development proposals without posing an inherent impact on their operation or safety.

9.14. In terms of access by means other than the car, the assessment shows that the site presently benefits from close proximity to a wide range of sustainable transport facilities, with a comprehensive footway and cycle network, and being within walking and cycling distance to bus stops as well as railway stations.

9.15. It explains that the development will be connected to dedicated cycle routes and off-road footpaths within the Graven Hill development, also that the proposed development will benefit from a new bus service being funded by Graven Hill Village Development Company. The nearby Wretchwick Green development also provides an opportunity to link bus provision with the Graven Hill site and the proposed Primary Health Care Hub.





- 9.16. The proposal is also shown to provide appropriate levels of cycle and car parking.
- 9.17. The Framework Travel Plan outlines measures that would be used to influence travel choice, enhance accessibility and, where possible, to encourage travel by modes other than the private car by staff and visitors. The Travel Plan aims to achieve a reduction in car journeys to and from the site through the promotion of alternative modes of transports and implementation of measures to make these attractive to staff and visitors.
- 9.18. The appointment of a Travel Plan Co-ordinator is key to promote the use of range of measures developed over time and tailored to the needs and emerging travel patterns of the staff and visitors. The TPC would play a key role in the development of the Travel Plan and its implementation. The TPC would be responsible for the promotion of the Travel Plan and would provide the co-ordination to ensure the plan's success along with keeping staff and visitors up to date on local changes.
- 9.19. The proposal is therefore shown to represent a sustainable form of development. It is shown to be accessible by all modes of transport and the predicted impact of additional vehicular traffic upon the local highway network and specifically the site access (Rodney House roundabout) is not expected to be severe or detrimental to the operation or safe operation of the highway. Accordingly, the assessment shows the proposal to be compliant with all prevailing transport policy.



## 10. Sustainable Construction

- 10.1. CLP policy ESD1: Mitigating and Adapting to Climate Change sets a strategic approach to mitigate the impact of development on climate change. CLP policy ESD2: Energy Hierarchy and Allowable Solutions sets appropriate responses out in order; the first being reducing energy use, in particular by the use of sustainable design and construction measures, followed by decentralised and sustainable energy provision.
- 10.2. CLP policy ESD3: Sustainable Construction sets out a range of appropriate sustainable construction techniques, subject to scheme viability. CLP policy ESD5: Renewable Energy promotes the use of renewable and low carbon energy provision wherever any adverse impacts can be addressed satisfactorily including all applications for non-domestic developments above 1000sqm<sup>floorspace</sup>.
- 10.3. A report is provided with the application, prepared by McCann and Partners, Consulting Engineers, with the aim of assessing the building's compliance with Part-L2A of the 2014 Building Regulations and producing a draft Energy Performance Certificate (EPC) through the creation of a dynamic simulation model which provides a geometrical and thermal representation of the proposed development, using the National Calculation Methodology (NCM).
- 10.4. The report explains that a computer generated representation of the proposed building) a Dynamic Simulation Model (DSM)) was created, simulating a comparable energy usage and carbon production, based on the building construction, internal conditions (lighting, heating, comfort cooling, etc.), weather data (based on location) and mechanical and electrical services. The DSM then provides a Building Regulation Compliance Document, which compares the building performance against the various criteria and targets set out within Building Regulation Part L2A Conservation of Fuel within buildings, in the form of a "Notional Building". The software produces a draft Energy Performance Certificate (EPC) rating. The predicted energy performance of the dynamic simulation model is then used to evaluate the building's performance with regards to the Building Research Establishment Environmental Assessment Method (BREEAM).
- 10.5. The inclusion of air source heat pumps as the primary heating source for the project allows the scheme to pass the requirement of Part L of the Building regulations without the need for further renewable technologies. Photovoltaics are also added to the roof of the building, to further reduce the reliance on fossil fuels. Together, this is considered a significant on-site renewable energy resource.



- 10.6. Accordingly, the report confirms the building achieves 4 energy credits under BREEAM's ENE01 meaning it justifies a classification of 'Excellent' under the BREEAM 2018 scheme; the Building Emission Rate (BER) is lower than the targets set by Part L2A, resulting in Criterion 1 compliance, and the scheme complies with the local planning policy ESD1-5.
- 10.7. The proposals also include provision for 12 EV charge points in the staff parking area, to help maximise opportunities for sustainable transport in accordance with Government guidance contained within the NPPF.

## 11. Flood Risk and Drainage

- 1.1. CLP policy ESD 6: Sustainable Flood Risk Management confirms the requirements of the NPPF. A Flood Risk Assessment and Surface Water Drainage Strategy prepared by Rossi Long is provided with the application.
- 1.2. This shows that the application site falls within Flood Zone 1, and is therefore appropriate for the proposed development in this respect, in accordance with the requirements of Technical Guidance to the NPPF.
- 1.3. Environment Agency mapping shows a small area of 'low' risk flooding is indicated in the north of the site, corresponding with an existing area of hardstanding, which the report explains is to be removed as part of the new development. The report confirms the area of flooding is isolated and not linked to a wider issue, and is likely a result of the lack of gradient across the site.
- 1.4. A foul sewer is located immediately adjacent to the western boundary of the site.
- 1.5. CLP policy ESD7: Sustainable Drainage Systems (SuDS) requires that all developments use sustainable drainage systems for the management of surface water run-off. In doing so, it goes further than the NPPF, which requires that, for planning applications relating to major development (development of 10 dwellings or more) or equivalent non-residential or mixed development, sustainable drainage systems for the management of run-off are put in place, unless demonstrated to be inappropriate.
- 1.6. Due to agreed ground conditions in the wider Graven Hill development, the site-wide surface water drainage strategy comprises drainage into strategic detention basins with restricted discharge rates into existing watercourses. The report therefore proposes surface water run-off from the development will be managed as follows:



- Surface water run-off from roof areas will be directed to an underground detention tank, prior to discharge to the existing detention basin to the south of the site. Discharge will be at a restricted rate to accord with the agreed site-wide strategy, with the tank designed to accommodate the volumes generated by all rainfall events up to and including the critical 1% AEP event +40% allowance for climate change;
- The use of permeable paving for new access routes and parking areas will reduce flood risk by attenuating the rate of surface water run-off from the site, whilst improving water quality and amenity.
- Finished floor levels will be set a minimum of 150mm above external ground levels to mitigate the risk of flooding from local sources;
- The drainage system as a whole will be designed with a restricted outflow rate of 11.0 l/sec into the existing basin located immediately to the south of the site, in accordance with the Waterman Sitewide Strategy.

1.7. Sustainable drainage features (permeable paving and the detention tank) are to be maintained by the site operator in accordance with the SuDS Management and Maintenance Plan, a preliminary copy of which is also provided with the report.

## 12. Residential Amenity

- 12.1. The Graven Hill Masterplan shows dwellings to be located some distance to the south of the proposed health hub, beyond the existing wetland habitat & surface water attenuation pond. These houses have not yet received reserved matters approval; however, the Masterplan shows an area of public open space between the Health Hub and the dwellings, which was agreed at pre-application would provide adequate separation to prevent overlooking.
- 12.2. Proposed landscaping, as well as the submitted External Lighting Strategy shows that the proposals are carefully designed along the southern boundary of the site to reduce impact on any properties to the south



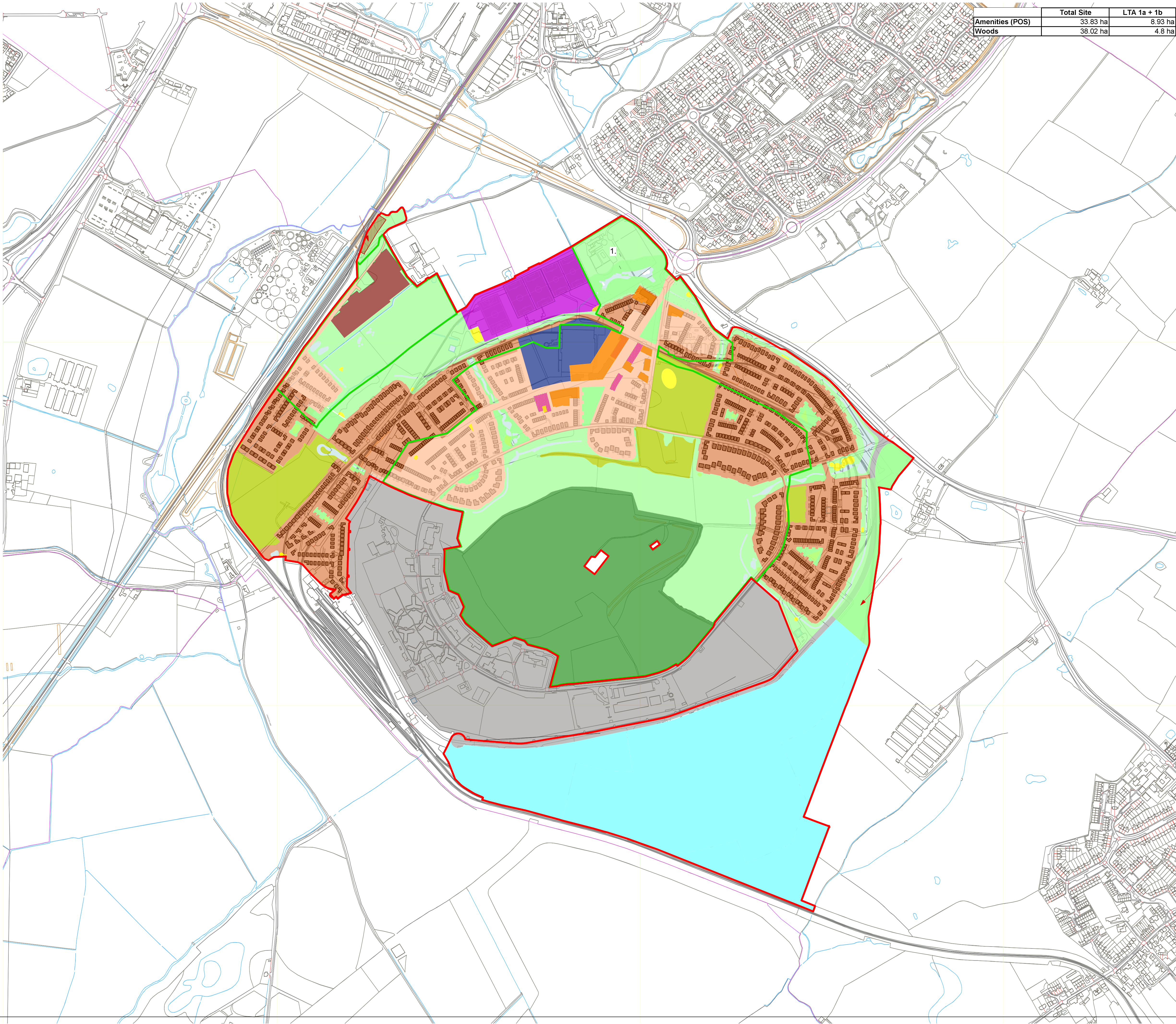
## 13. Conclusion

- 13.1. This Planning Statement is submitted in support of the planning application for the proposed Bicester Health & Wellbeing Hub at Graven Hill.
- 13.2. The principle of the development is shown to be acceptable on this site, and it is shown it will not result in a loss of open space compared to standards, given the amount of open space on the wider Graven Hill site.
- 13.3. In terms of technical issues, appropriate assessments show there is no issue in respect of flood or land contamination that would prevent the proposed development. Furthermore, there are no ecological issues, whilst the proposals for open space within the site and bio enhancement nearby allow the potential for supporting the green environment and biodiversity. The proposals also provide an appropriate method statement for archaeological recording of the site.
- 13.4. In terms of highways, the proposals are shown to provide a sustainable location for new the development with a range of options for access by other than the car. Both cycle and car parking is provided in accordance with appropriate standards, and the effect of the development is shown to be within existing highways capacity,
- 13.5. The proposed design is shown to be an appropriate response to the site, developed through long consultation with users and operators. It makes use of sustainable construction techniques, including drainage, and is designed to allow for flexible usage and future expansion. The proposed landscaping scheme provides a series of spaces sympathetic to the building's setting and its use. Finally, it is shown that the proposals will not have a detrimental effect on existing or other proposed developments within the wider Graven Hill development.
- 13.6. This assessment shows the proposal to be acceptable in relation to the relevant current development plan policies. Consideration of the proposals in respect of material considerations and the planning balance similarly shows that the proposal should be supported.



## Appendix 1: 1982-A-L-040 AB [Land Use Plan]





	Total Site	LTA 1a + 1b	LTA 2
Amenities (POS)	33.83 ha	8.93 ha	24.90 ha
Woods	38.02 ha	4.8 ha	33.22 ha

NOTES:  
DIMENSIONS NOT TO BE SCALED FROM THIS  
DRAWING. CONTRACTORS TO NOTIFY  
ARCHITECTS OF SITE VARIATIONS  
AFFECTING INFORMATION ON THIS  
DRAWING. THIS DRAWING IS COPYRIGHT OF  
GLENN HOWELLS ARCHITECTS.

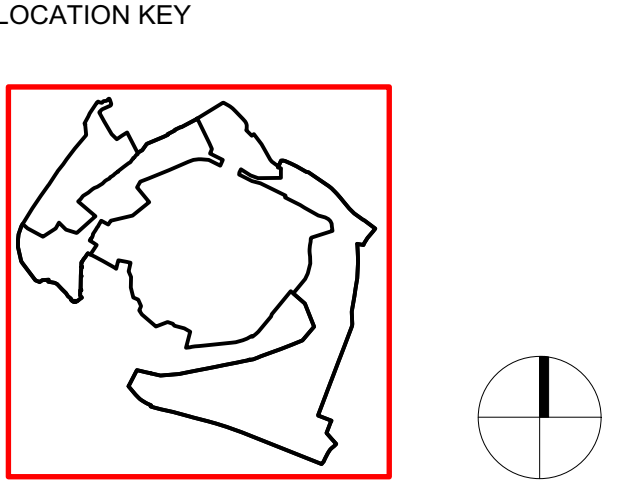
NOTE: MUGA PITCH WILL ONLY BE PROVIDED IF IN  
ACCORDANCE WITH CLAUSE 2.5 OF SCHEDULE 4  
OF THE SECTION 106 AGREEMENT.

KEY		
	ha	
Total Site Area	185.59	
Residential (incl. Local Centre)	58.15	
Residential Phase 1	20.82	
Residential Phase 2	37.33	
Apartments**	[1.81]	
Community Centre / Nursery	0.18	
Commercial - Local Centre**	[0.31]	
Commercial - Employment	39.45	
Peripheral Road*	2.62	
Primary School	3.01	
Sports Field	5.01	
Woodland	27.64	
Allotments	2.04	
Amenity Space	34.94	
Amenity Woods	10.39	
Ponds	2.72	
Play Space	0.83	
(Not included within Amenity Space)		
St Davids Barracks	32.96	
(Not included within Total Site Area)		
Network Rail Land Transfer Area		
*Peripheral Road area is included within the Commercial Employment area.		
**Apartments and Local Centre Commercial units areas are included within the Residential Phase 1 area		
1. Rodney House		

**DENSITY**  
31 dwellings per hectare (dph) as a proportion of the residential land.  
9.4 dwellings per hectare (dph) as a proportion of the total site area (185.59 ha).

Note: based on 1,741 units (20/11/15 mix schedule).

Date	Rev	By	Details
06.12.13	A	DH	Drawing issued
09.01.14	B	MB	Site Boundary Updated
21.01.14	C	MB	Fixed data in Key
22.01.14	D	JS	School Area Amended
28.01.14	E	MB	Land Transfer Phase 1 & 2 added
31.01.14	F	MB	Drawing Updated (SD)
24.02.14	G	MB	Drawing Updated (SD)
30.06.14	H	MB	Land use areas updated
28.11.14	I	RS	Drawing updated (6)
30.01.15	J	RS	Drawing updated (7)
02.04.15	K	KV	Drawing updated (8)
27.04.15	L	KV	Amended sports field (ha)
25.06.15	M	KV	Masterplan updated (9)
29.06.15	N	KV	MUGA note added
14.09.15	O	RS	Land use areas amended. Density values added to notes.
07.12.15	P	RS	LT fence line amended. Masterplan updated (10)
17.05.16	Q	TA	Masterplan updated.
27.06.16	R	TA	Masterplan updated.
06.02.17	S	TA	Land use areas amended.
18.04.17	T	TA	Masterplan updated.
13.11.17	U	SA	Masterplan updated.
22.12.17	V	SA	LTA 1a+1b Land use info added.
05.01.18	W	SA	Land Use Areas revised, key and table amended.
10.01.18	X	JF	Land Use Areas revised, key and table amended.
16.01.18	Y	SC	School Land Use Area revised.
07.02.18	Z	SC	Areas (incl. total site) amended.
20.03.18	AA	SC	Amenity Woods & Network Rail Land Transfer Area added. Woodland area amended. Areas amended.
18.04.18	AB	SC	Key annotation 'Woods' changed to 'Woodland' as per email of 18.04.18



## INFORMATION

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Project  
Graven Hill  
Redevelopment of MOD Bicester

Client  
Graven Hill Village Development Company Limited

Drawing Title  
Proposed Graven Hill Land Use Plan

Date	Scale	Checked
02.12.13	1:5000@A1 1:10000@A3	JS
Project Ref.	Drawing No.	Revision
1982	A-L-040	AB





## Appendix 2: Counsel's Opinion



**RE: GRAVEN HILL**

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**A D V I C E**

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**Background**

1. In 2014 outline planning permission was granted to the MOD for a largescale residential-led development at Graven Hill, south of Bicester. The site was subsequently purchased by GHVDC who are now implementing and amended form of the consent. The relevant controlling permission ties the development into a series of approved plans including a Master Plan. GHVDC is owned by Cherwell DC.
2. GHVDC have been approached by ACP with a proposal to develop land at the site for a Health Hub. A pre-application request for advice regarding the principle of the proposals was subsequently made to Cherwell as Planning Authority. Cherwell's response shows two issues of principle: the loss of open space, and Cherwell's wish to see the Health Hub provided at Kingsmere, stating:

“When considering the provision of health care facilities in the wider ‘Bicester’ context, Policy BSC8 of the Cherwell Local Plan 2031 states ‘The Council will support the provision of health facilities in sustainable locations which contribute towards health and well-being including the replacement of the Bicester Community Hospital’. Paragraph B.149 of the supporting text goes on to state ‘There is a need for more GP provision in Bicester. New buildings should be located in sustainable locations on the edge or within the built up limits of settlements’.

The Cherwell Local Plan does not allocate a specific site for GP provision in Bicester. However this is because it was adopted in the full knowledge that the Local Planning Authority had already secured appropriate land (secured via planning applications and a S106 agreement) for GP health care provision on the Kingsmere Development site. This land had been secured in accordance with Policy H13 of the non-statutory Cherwell Local Plan 2011, which identified the Kingsmere site for development. Whilst this plan is not part of the statutory development plan, it was approved as interim planning policy for development control purposes in December 2004 and is the basis on which development of the Kingsmere site was considered acceptable.”

“As the site at Kingsmere has been secured for GP health care provision, it is not considered necessary or desirable for an alternative site - whether at Graven Hill or elsewhere in the town - to be promoted for development. Furthermore, the site identified at Graven Hill is currently approved as open space to serve the Graven Hill development, in accordance with the requirements of the allocation under Policy Bicester 2. Any development on this land and the loss of open space would need to be fully justified.”

3. APC have tried over an 18 month period to engage with the owners of the Kingsmere Health Hub site but have met with no meaningful response. No price for the purchase of the land has ever been conveyed to APC..
4. I am asked two questions:
  - (1) Given that the Kingsmere option is not the subject of current development plan policy, should any weight be given to it in the consideration of alternative proposals for the location of a Health Hub?
  - (2) In terms of open space, it will be appreciated from the documents provided, that Graven Hill is amply blessed with open space. How should the developers best address this issue should they wish to provide further redevelopment on the Health Hub site?
5. From my reading of the papers, a Primary Care Estates Framework document (May 2018) proposed a Health Care Hub of 3,200 m<sup>2</sup> GIA to accommodate the relocation of both the Alchester Medical Group and the Montgomery House Surgery. The driver

behind this was the unsuitability of the current practice premises to cater for the planned growth in service demand arising from an ageing demographic. Five potential sites were considered, but the recommended options were either the Kingsmere site or a site at Graven Hill once a Master Plan was produced. Neither site appears to have been prioritised as a preference site and, as I understand it, the Hub's potential occupiers are interested in both sites. I am unclear as to the urgency of the need to relocation, although it appears that there was an ambition to achieve availability by Q4 2020.

6. The Kingsmere site at issue is 2.69 ha and forms part of a large development as South-West Bicester. Phase 1 was consented in 2008 and construction commenced in 2010. A land use proposals plan approved as part of the original outline consent identified the 2.69 ha site as a "Health Village" which was to include a GP surgery, a Community Hospital and other specialist care facilities. In 2019 Countryside Properties (Bicester) Limited submitted an application for up to 100 houses on the 2.69 ha site. This then evolved into an application for 57 dwellings on 1.68 ha with the balance of the land safeguarded for a new doctors' surgery/Health Hub. The Officer's Report on the application noted, inter alia:

"9.7. Policy BSC8 of the adopted Cherwell Local Plan 2011-2031 identifies that there is a need for more GP provision in Bicester and this site in question is one of the preferred options for meeting that need due to its highly sustainable location in terms of serving the new population at Kingsmere as well as the existing patients in Bicester itself. In terms of other potential sites within Bicester, the GPs have also expressed an interest in a site at Graven Hill, but to date no planning application has been received. Whilst North West Bicester includes a site for a GP surgery, this only extends to 0.2 ha and this is also unlikely to come forward for development until after 2025. This site is capable of delivering the need of the GPs and OCCG in full, with potential for future expansion, in the shorter term. Paragraph 92b of the NPPF is also relevant in seeking to ensure the delivery of such infrastructure to improve health and social well-being."

It is to be noted that the 2.69 h a site has no Development Plan allocation for health care uses, although it was identified in a 2011 non-statutory plan that was used for development control purposes.

7. I have seen a Heads of Terms document prepared by Pinsent Masons dated 16<sup>th</sup> May 2019. This safeguards the health care land and obliged Countryside, inter alia, as follows:

“3.2. In the event that Oxfordshire CC serves notice on CPBL, in writing, during the Safeguarding Period, that it requires the Healthcare Land (the ‘Healthcare Land Notice’) then CPBL shall use reasonable endeavours to agree with Oxfordshire CCG the transfer of the freehold interest of the Healthcare Land such freehold transfer to be at an open market value on the basis of the use of the Healthcare Land as Use Class D1 (non-residential institutions). Such transfer to be completed by the earlier of 12 months from the Healthcare Land Notice or the expiry of the Safeguarding Period.

3.3. In the event that Oxfordshire CCG serves notice on CPBL, in writing, during the Safeguarding Period, that it requires part only of the Healthcare Land (the ‘Part Healthcare Land Notice’) then CPBL should use reasonable endeavours to agree with Oxfordshire CCG the transfer of the freehold interest of that part of the Healthcare land such freehold transfer to be at an open market value on the basis of the use of the Healthcare Land as Use Class D1 (non-residential institutions) PROVIDED THAT both parties shall act reasonably when agreeing the boundaries of such part of the Healthcare Land to be transferred to Oxfordshire CCG, and when agreeing any revisions to the access to that part of the Healthcare Land to be transferred to Oxfordshire CCG in order to safeguard an access into any remaining part of the Healthcare Land that is not to be included within the transfer to Oxfordshire CCG. Such transfer to be completed by the earlier of 12 months from the Part Healthcare Land Notice or the expiry of the Safeguarding Period. Following the completion of a transfer to Oxfordshire CCG in accordance with this Clause 3.3 the provisions referred to at 3.2.1 to 3.1.6 and 3.2 shall automatically cease and be of no further effect in respect of the full extent of the remainder of the Healthcare Land that has not been transferred to Oxfordshire CCG.”

The council have resolved to grant consent subject to conditions and the signing of a planning obligation.

8. In summary, the Development Plan notes the need for more GP provision in Bicester, but no site is allocated. The non-statutory 2011 interim planning document did identify a large Health Care facility at Kingsmere and that was reflected in the original 2008 outline consent. However, matters have moved on and the current position is the safeguarding noted above.

### **Question 1**

9. As a general rule, a planning proposal should be judged on its own merits and the availability of an alternative site is not a material consideration. In *Trust House Forte Hotels Ltd v. SoSE* [1987] 53 P & CR 293 Simon Brown J identified the following propositions:

- “(1) Land (irrespective of whether it is owned by the applicant for planning permission) may be developed in any way which is acceptable for planning purposes. The fact that other land exists (whether or not in the applicant’s ownership) upon which the development would be yet more acceptable for planning purposes would not justify the refusal of planning permission upon the application site.
- (2) Where, however, there are clear planning objections to development upon a particular site then it may well be relevant and indeed necessary to consider whether there is a more appropriate alternative site elsewhere. This is particularly so when the development is bound to have significant adverse effects and where the major argument advanced in support of the application is that the need for the development outweighs the planning disadvantages inherent in it.
- (3) Instances of this type of case are developments, whether of national or regional importance, such as airports (see the *Rhodes* case), coalmining, petro-chemical plants, nuclear power stations and gypsy encampments (see *Ynstawe, Ynsforgan and Glais Gypsy Site Action Group v. Secretary of State for Wales and West Glamorgan CC*) Oliver LJ’s judgment in *Greater London Council v. Secretary of State for the Environment and London Docklands Development Corp and Cablecross Projects Ltd* suggests a helpful

although expressly not exhaustive approach to the problem of determining whether consideration of the alternative sites is material:

‘... comparability is appropriate generally to cases having the following characteristics: First of all, the presence of a clear public convenience, or advantage, in the proposal under consideration; secondly, the existence of inevitable adverse effects or disadvantages to the public or to some section of the public in the proposal; thirdly the existence of an alternative site for the same project which would not have those effects, or would not have them to the same extent; and fourthly, a situation in which there can only be one permission granted for such development, or at least only a very limited number of permissions.’

- (4) In contrast to the situations envisaged above are cases where development permission is being sought for dwelling houses, office (see the *CLG* case itself) or superstores (at least in the circumstances of *R v. Carlisle CC and the Secretary of State for the Environment Ex p Cumbrian Co-operative Society Ltd*).
- (5) There may be cases where, even although they contain the characteristics referred to above, nevertheless it could properly be regarded as unnecessary to go into questions of comparability. This would be so particularly if the environmental impact was relatively slight and the planning objections were not especially strong: See *Sir Brandon Meredith Rhys Williams v. Secretary of State for Wales and Sir Brandon Rhys-Williams*, both of which concerned the siting of the same sewage treatment works.”

It can be seen that the LPA’s rejection of the notion of Health Care provision on the Graven Hill site based on the fact of the existence of Kingsmere is *prima facie* in conflict with (1) above, ie it does not argue that the Graven Hill site is unacceptable in planning terms but rather that Kingsmere is preferable by reference to accessibility issues. In terms of *Trust House*, Kingsmere could only be a relevant material consideration, given the acknowledged need for a Health Care facility, if there were clear planning objections to the Graven Hill site. The only substantive objection advanced is that the site is shown as Open Space in the approved planning permission. I shall turn that that later.

10. The *Trust House* *ibid* approach was endorsed in the Court of Appeal in *R (on the application of Mount Cook Land Ltd) v. Westminster CC* [2003] EWCA Civ 1546:

- “(1) in the context of planning control, a person may do what he wants with his land provided use of it is acceptable in planning terms;
- (2) there may be a number of alternative uses which he could choose, each of which would be acceptable in planning terms;
- (3) whether any proposed use is acceptable in planning terms depends on whether it would cause planning harm judged according to relevant planning policies where there are any;
- (4) in the absence of conflict with planning policy and/or other planning harm, the relative advantages of alternative uses on the application site or of the same use on alternative sites are normally irrelevant in planning terms
- (5) where ... an application proposal does not conflict with policy, otherwise involves no planning harm and, as it happens, includes some enhancement, any alternative proposals would normally be irrelevant;
- (6) even, in exceptional circumstances where alternative proposals might be relevant, inchoate or vague schemes and/or those which are unlikely or have no real possibility of coming about would not be relevant or, if they were, should be given little or no weight.”

As I have noted, there is no Development Plan policy objection to Health Care on the Graven Hill site and no Development Plan preference for it on the Kingsmere site. Moreover, the Court emphasised that alternative sites were normally immaterial save in exceptional circumstances. I cannot see any exceptional circumstances arising in the present state of affairs.

11. In *R (on the application of Luton BC v. Central Bedfordshire Council* [2015] EWCA 537 the Court of Appeal again looked at the issue and Sales LJ summarised the position as follows:

- “(i) There is an important distinction between (1) cases where a possible alternative site is *potentially* relevant so that a decision-maker does not err in law if he has regard to it and

(2) cases where an alternative site is *necessarily* relevant so that he errs in law by failing to have regard to it (paragraph 17).

- (ii) Following [*CREEDNZ v. Governor-General* [1981] 1 NZLR 172], [*Re Findlay* p1985] AC 319[ and *R (National Association of Health Stores) v. Secretary of State for Health* [2005] EWCA Civ 145, in the second category of cases the issue depends upon *statutory construction* or whether it can be shown that the decision-maker acted *irrationally* by failing to take alternative sites into account. As to the first point, it is necessary to show that planning legislation either expressly requires alternative sites to be taken into account, or impliedly does so because that is ‘so obviously material’ to a decision on a particular project that a failure to consider alternative sites directly would not accord with the intention of the legislation ([25]-[28]).
- (iii) Planning legislation does not generally require alternative sites to be taken into account ([36]), but a legal obligation to consider alternatives may arise from the requirements of national or local policy ([37]).
- (iv) Otherwise the matter is one for the planning judgment of the decision-maker ([36]). In assessing whether it was irrational for the decision-maker not to have had regard to alternative sites, a relevant factor is whether alternative sites have been identified before the decision-maker ([21], [22] and [35] and see *Secretary of State v. Edwards* [1995] 69 P & CR 607 where that factor was treated as having ‘crucial’ importance in the circumstances of that case).”

NB: In *R (on the application of Lucas) v. Oldham BC* [2017] EWHC 349 Kerr J attempted to reformulate the approach but this was rejected as inconsistent with established authority in *R (on the application of John Bromell on behalf of Mapeldurham Playing Fields Action Group v. Reading BC and So* [2018] EWHC 3529 (Admin).

12. In terms of the *Luton* case, therefore, it can be seen that in the present case there is no statutory or Development Plan requirement to have regard to alternative sites/proposals. Similarly, no requirement arises from national policy. Could it be said, therefore, that in the present case it would be irrational not to treat the Kingsmere consent as a material consideration and thus elevate the case to the ranks of “exceptional”? I cannot see that irrationality arises. The Graven site must be assessed on its own merits: if it is acceptable for the scheme on its own merits then, even on the



LPA's case, the fact that Kingsmere has preferable accessibility does not arise. The only circumstances in which Kingsmere might be relevant is if it was accepted that the need for enhanced health services must be met and that meeting them on the Graven hill site would cause clearly unacceptable planning harm. In this context, open space appears to be the key issue.

## **Question 2**

13. National policy seeks to protect existing open space (see Paragraph 97 of the NPPF). However, even existing space is only protected insofar as it is not surplus to requirements or cannot be mitigated by equivalent or better provision. It is clear from the Design Guide and approved plans that the Graven Hill site has an abundance of open space. It is my understanding that the proposes site on the Graven land is not existing Open Space bur rather is simply shown as Open Space on the approved plans. It follows, therefore, that it will be necessary to show that the approved Graven scheme will not be unacceptably harmed if the Health Hub were to be permitted. In terms of Open Space that will involve demonstrating by reference to both quantitative and qualitative issues (connectivity, visual amenity etc) that no unacceptable planning harm arises or that any harm can be mitigated. The fact that the land is shown as Open Space on an approved set of plans is not in itself a defining objection to the proposal.

I so advise.

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24<sup>th</sup> June 2020

**RE:**

**GRAVEN HILL**

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**A D V I C E**

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