

**SITE:** OS Parcel 5700 South West Of Grange Farm  
Street Through Little Chesterton  
Chesterton

**22/01144/F**

**Case Officer:** David Lowin/Suzanne Taylor      **Recommendation:** Approve

**Applicant:** Tritax Symmetry Oxford North Ltd & Siemens Heathineers

**Proposal:** Full planning application for the erection of a new high quality combined research, development and production facility comprising of Class B2 floorspace and ancillary office floorspace with associated infrastructure including: formation of signal-controlled vehicular access to the A41 and repositioning of existing bus stops; ancillary workshops; staff gym and canteen; security gate house; a building for use as an energy centre (details of the energy generation reserved for future approval); loading bays; service yard; waste management area; external plant; vehicle parking; landscaping including permanent landscaped mounds; sustainable drainage details; together with the demolition of existing agricultural buildings within the red line boundary; and the realignment of an existing watercourse.

**EOT Expiry**      17 02 2023  
**Date:**

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## **1. Introduction**

- 1.1. This report provides an update following the application being considered at Planning Committee on 14<sup>th</sup> July 2022.

## **2. Scope of Delegation**

- 2.1 The resolution of the Committee was to **approve** the application subject to the completion of a planning obligation under section 106 of the Town and Country Planning Act 1990, as substituted by the Planning and Compensation Act 1991, to secure the infrastructure set out in appendix 1 and amendments in the written updates (and any amendments to those obligations as deemed necessary) and conditions set out in the minutes and written update (and any amendments to those conditions as deemed necessary).
- 2.2 Have the terms of the delegation been met? **Yes** – The addition of conditions and amendments to conditions set out below (and in Appendix 1 to this report) meet the terms of the delegation. With respect to the S106 agreement, Cherwell is not a signatory as it only concerns County Council matters, but a final version has been signed and sealed and a copy is to be provided to CDC. The agreed S106 agreement was on the same basis as the Heads of Terms presented at Committee. Therefore, the terms of the delegation have been satisfied.

## **3. Post Committee Submissions /Representations**

- 3.1 Was anything received after the committee? **Yes**.

### Plans and Conditions

- 3.2 An amended access plan was received and discussions took place with the applicant regarding the wording of conditions necessitating the following updates to conditions:

2. (Compliance with Plans) amend 'Access Plan - Drawing 205223/PD09 Rev C' to 'Access Plan - Drawing 205223/PD09 Rev E'; Addition of numbering (in italics) to read Drainage Layout Drawing No. T/20/2407 55-01 Rev P5.

3. (BREEAM) Rewording to read 'The building hereby approved shall be *delivered* constructed to BREEAM Excellent Standard ~~or requirement thereof~~'.

5. (Service Yard Plant and Equipment) (new condition) Details of the plant enclosures and equipment within the service yard and approved plant zones adjacent to the building, shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The plant enclosures and equipment shall be installed and maintained in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2015, saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

6. (Infiltration) (new condition) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 174 of the National Planning Policy Framework.

11. (LEMP) (now 13.) Rewording to read 'No development *of any phase* shall take place (including demolition, ground works, vegetation clearance) ~~on any phase~~ until a Landscape and Ecological Management Plan (LEMP) for the development site has been submitted to and approved in writing by the Local Planning Authority for that phase. The LEMP will set out in detail the measures to be implemented to ensure the successful establishment/installation of new habitats/features and the long-term maintenance and management of both existing and new habitats/features proposed as part of the soft landscape scheme.

15.(Contamination 3. Rewording to reflect the updates to the condition numbering (now condition 17) along with new wording added to require the report to include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria has been met. Condition 17 will now read as follows:

17. If remedial works have been identified in condition 16, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 16. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy ENV12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. (Archaeological WSI) (now 19.) Originally the applicants requested the addition of wording to the condition approved by Committee (in italics) to read 'No development *above or below ground with the exception of archaeological investigation works* shall take place until a professional archaeological organisation acceptable to the Local Planning authority shall prepare an Archaeological Written Scheme of Investigation relating to the application site area, which shall be submitted to and approved in writing by the Local Planning authority.' However, since this was requested a WSI has been submitted and approved for the development and therefore it is proposed to amend the wording of the condition to require implementation in accordance with the approved WSI.

18. (Archaeology) (now 20.) The condition is to be reworded to reference the approved scheme as per condition 17 (now 19.). Condition 20 will read as follows:

20. In accordance with the approved Written Scheme of Investigation referred to in Condition 19, and prior to the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason: To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

29. (Habitat Management Plan) (now 31) typo to the Biodiversity Impact Assessment reference no. to now read as ed2425\_R021B

33. (Car parking) (now 35.) Typo to amend 'pan' to 'plan'.

34. (Cycle parking) (now 36.) Typo to amend 'pan' to 'plan'.

39. (Flood Risk) (new condition) The development shall be carried out in accordance with the submitted flood risk assessment (version 1.5 dated May 2022, prepared by Tier Consult) and the mitigation measures it details including 450 metres diversion of the Wendlebury Brook as shown in the Watercourse Diversion Plan (drawing ref: T/21/2407 60-04 Rev T6 prepared by Tier Consult). These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: This condition is in accordance with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 (adopted July 2015) and paragraph 167 of the NPPF which state development must not increase flood risk elsewhere and should be appropriately flood resistant and resilient.

A full breakdown of the changes made to the conditions and renumbering can be found in Appendix 1 to this report.

### Responses

- 3.3 The Environment Agency have now responded to the application. They consider the proposals to be acceptable if 6 suggested conditions are applied to the permission. There are 2 new conditions requiring: 1) detailed and specific compliance with the Flood Risk Assessment and mitigation measures prior to occupation; and 2) to control the implementation of any infiltration system for surface water to the ground (additional new condition 6). The other 4 suggested conditions relating to: the provision and management of an ecological buffer zone alongside Wendlebury Brook and contamination, with the addition of some wording requiring sampling results to condition 15 (now 17), are considered to be covered by other proposed conditions (namely 10, 11, 12, 13, 14 and 15) (now 12, 13, 14, 15 and 16). See Appendix 1 to this report for a comparison of the conditions recommended by the EA and the proposed conditions agreed with the applicant, which cover the same issues but in a different form of wording.
- 3.4 The CDC Arts Officer made a belated request for a contribution of £400,000 split into £250K towards a physical piece of public art and £150K towards an arts engagement programme for cultural wellbeing. Whilst such a contribution is consistent in principle with the adopted SPD on Developer Contributions, it was noted in this instance that there was no direct relationship with any specific project set out in the Infrastructure Delivery Plan (Appendix 8 of Cherwell Local Plan 2011-2031 Part 1) and the level of contribution being sought was disproportionate and not supported by Development Plan policy. It was also noted that the application had been considered and deemed acceptable by the Committee without this contribution. It was therefore concluded that this contribution would not meet the CIL Regulation 122 tests (Limitation on the use of planning obligations) in terms of being necessary to make the development acceptable or fairly and reasonably related in scale and kind to the development. The suggested contribution is therefore not being sought.
- 3.5 The National Planning Casework Unit (NPCU) were notified of the Council's intention to approve this application. They have confirmed that the Secretary of State does not intend to call in the application and that he is content for the LPA to determine it.
- 3.6 Have these changes raised any new issues not within the scope of the Committee report, or the other information not known to the Committee at the time they came to their original resolution? – **No**.

### **4. Other material changes**

- 4.1 There have not been any other material changes in circumstances since the Committee resolution which would necessitate the application being returned to the Committee.

## 5. Summary

5.1 On the basis of the above report the decision can be issued.

Case Officer:	Suzanne Taylor	DATE: 16 February 2023
Checked By:	Andy Bateson	DATE: 16 <sup>th</sup> February 2023
Authorised By:	Paul Seckington, for Asst. Director	DATE: 16 <sup>th</sup> February 2023
Agreed By:	Cllr George Reynolds, Chairman	DATE: 16 <sup>th</sup> February 2023

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